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***Citizens' Rights and Private Property Rights in the English Countryside: A Study of  
Countryside Recreational Access Provision***

**Gavin Philip David Parker**

October 1996

A thesis submitted to the University of Bristol, through Cheltenham & Gloucester  
College of Higher Education, in part requirement for the award of the degree of  
Doctor of Philosophy.

## **Abstract**

This thesis examines the regulation of countryside recreational access in England and using citizenship theory, analyses, through two empirical studies, the notion of 'active' citizenship as extolled by the present Conservative government. The 'active' citizen in relation to countryside access is examined through the operation of Countryside Access Liaison Groups (CALGs) and the Parish Paths Partnership scheme (P3) in England.

The study is contextualised within various processes of change affecting countryside access that have influence on policy and participation in countryside access issues. Types of protest and participation in the rural are conceptualised as part of the reaction to such countryside change on the part of citizens and the state. The findings of the thesis conclude that attempts to engage with policy-makers, by 'active' citizens are often either illusory or stifled. The 'insider' participation of citizens in countryside recreation policy is carefully structured while other forms of 'outsider' political participation are constructed as deviant. The empirical work illustrates how citizen participation is structured and controlled by powerful interests and how, through the historical baggage of the habitus, the individuals' lifeworld is structured.

## **Acknowledgements**

My thanks to all of the people who gave their time to be interviewed or who completed questionnaires relating to the research on CALGs and the P3 scheme. Special thanks in this regard to Roy Hickey and Jim Lennon at the Countryside Commission and Alan Bently at Gloucestershire County Council.

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## Author's Declaration

The work contained in this thesis is the sole effort of the author. The views expressed within are those of the author, not of the College or the University.

A handwritten signature in black ink, appearing to read 'Gavin Parker', with a long, sweeping horizontal stroke extending to the right.

Gavin Parker

October 1996

*Theodore:* "Oh brave new world...messages?"

*John:* "Theodore, it's John, I'd like to arrange a meeting with you to discuss your equities. My advice is, if you buy an extra tranche in Rothman Bubble, you will; a: make a small profit and b: qualify as a full voter in the state elections. Because you will then have shares beyond the Fairley-Corbridge equity barrier..."

Extract from *Cold Lazarus*, Dennis Potter, (1996)

***Citizens' Rights and Private Property Rights in the English Countryside: A Study of  
Countryside Recreational Access Provision***

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# *Citizens' Rights and Private Property Rights in the English Countryside: A Study of Countryside Recreational Access Provision*

## Introduction

This general prelude sets out the aims and objectives of the thesis and the main themes and concepts that appear and how such elements relate to contemporary (rural) research agendas. A general outline of the chapter contents is also included.

### *i. Key Concepts and Aims of the Thesis*

The consideration of countryside access provision in England has historically received a great deal of attention, both from the academic world and the public generally - this is reflected in the amount of literature produced and media attention given to the subject. This illustrates the particularly central place that land, and specifically the issue of access to land, holds in images and dominant constructions of national identity. The way in which the land is used and regulated has implications economically, politically and culturally, for the population at large and has particular effects for identifiable groups of people who live, work or recreate in the countryside. As part of the system of land use and regulation, countryside access usefully illustrates the ongoing struggles over the legitimation and distribution of rights in the countryside, be they private property rights or other citizenship rights and therefore shows the linkage between the regulation of land use and the regulation of citizen behaviour.

This thesis investigates several key concepts and processes that concern countryside access in England. The way in which rights and responsibilities (citizenship) are conceptualised, structures the way in which rights are legitimised and how responsibilities are apportioned to individuals or groups of people. This discussion coincides with political exhortations, during the 1990s, concerning 'active' citizenship and with policies and legislation that aim to construct a particular model of



citizenship. Bourdieu's concept of *habitus*<sup>1</sup> and his conceptualisation of symbolic/cultural capital, organisational/institutional capital and property capital (Bourdieu, 1977; 1984; 1994) is applied in the thesis to illuminate how legislation and policy affect, and are affected by, the power relations and particularities of localities and the people in those localities. Therefore habitus influences the thesis by providing an extra theoretical context within which citizenship (and therefore theoretical understandings of citizenship) is structured and restructured.

The argument is developed here that larger processes of change also impact on citizenship construction. Therefore the way in which countryside access is regulated and provided, in England, reflects not only the political project of government, and the way that rural communities react to that project, but also how external influences bring about particular outcomes in terms of rights distributions. Such rights distributions are continually under challenge and counter-challenge as groups and individuals vie for advantages (for rights or to avoid duties). These challenges involve formalised citizen or interest group participation in rights brokerage and protests concerning rights in and over the countryside.

Within the context of these concepts, the key subject aims and objectives are:

- to explore historically, changes in rights structures in the countryside, particularly in relation to access;
- to review and contextualise theoretical constructions of rights and citizenship and relate those constructions to rural land and access;
- to explore empirically two contemporary policy strands for access in the countryside and evaluate their consequences for rights and citizen participation in countryside access;

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<sup>1</sup> Bourdieu's concept of *social field*<sup>1</sup> can also be applied usefully in the context of rights relationships in the countryside, however, the concept has not been used here to avoid confusion with habitus (see Jenkins, 1992; Wacquant, 1989; Bourdieu, 1977).

- to relate empirically observed citizen participation in access, to earlier theoretical constructs;
- to draw conclusions both about contemporary citizen action in relation to countryside access and the relevance or need to attenuate theoretical constructs that seek to explain such actions.

In addition the thesis has two process objectives:

- to gain a fuller understanding of both quantitative and qualitative methods of enquiry through practical application;
- to develop clear competency in evaluation, synthesis and interpretation of empirical data and an ability to relate this process to existing bodies of theoretical knowledge.

## *ii. Rural Research Agendas*

Many changes in the economy are taking place involving heightened mobility of capital, rapid technological advance and improving global communications. There are corresponding societal changes supporting a diversity of interest groups and cultural configurations within fragmenting class structures, economic relationships and political allegiances. These are said to represent facets of a post-modern society and of a post-Fordist economy (see; Halfacree, 1996; Marsden *et al*, 1993; Squires, 1993; Savage *et al* 1992; Harvey, 1990; Hall & Jacques, 1989; Lash & Urry, 1987).

There have recently been calls for those engaged in rural studies to engage with postmodernism, and what has been termed the 'post-rural' (see Murdoch & Pratt, 1993; 1994). In part, this involves the development of a sociology of postmodernity in relation to the rural. There are also calls for issues of power to be considered more centrally in rural research and increased attention to be paid to difference and 'otherness' in the countryside (see, for example, Philo, 1992;1993). In a limited way this thesis investigates the way in which power is used in the countryside and how



such power is used to limit or encourage citizen participation and used to maintain, win or defend rights and responsibilities in the the English Countryside.

This thesis attempts to respond to Marsden *et al* (1993) who set out three broad questions to be addressed in rural studies. They are:

"How are international processes of economic and social restructuring being expressed and mediated within one nation state? How is the state 'regulating' rural change and to what extent does the late 20th century represent a break with the past? How can conceptual advances in mainstream social theory be applied to the rural arena and, conversely, how can locally based social action be effectively incorporated into our understanding of uneven development?"

(Marsden *et al*, 1993:p16)

The aspects of the 'post-rural' research agenda considered here concern the links between changes in rural regulation and the rôle of the land as site of production and as site of consumption. This, coupled with Harvey's (1993:p115) call for attention to be focused on the restructuring of rights, leads to the analysis of the significance of changes in citizenship construction (and inherently rights distributions) in relation to access to the countryside for recreational use.

Policy and economic characteristics in these areas of the economy tend to appear anachronistic with disparities in national policy. Cloke & Goodwin (1992:p321) noted that a "fragmented coherence reflecting different forms of commodification in rural areas" was a reality, but warned of premature acceptance of an epochal shift or "an extensive shift in rural society from Fordism to its successor" (*Ibid*:p324). In terms of agriculture this perhaps reflects the mixed nature of the economy in this country with State regulation and Euro-subsidisation of the agricultural industry still prevailing and with the global economy taking decisions and economic powers out of the hands of national government. New ways of attempting to preserve capital value or ensure capital accumulation, (and the need for a rational landscape within which capital accumulation can proceed), form the focus of endeavour for the agricultural lobby and successive Conservative Secretaries of State for Agriculture. Complicating matters

there are sets of historical and newer relationships present that give rise to a multi-faceted tension. Such conflicts include central government (with traditional sympathies toward the agricultural community), the agricultural community who are faced with diminishing incomes from traditional production, the environmental lobby who want to see a 'greener cleaner' countryside and the access lobby who want to preserve (and extend) amenity rights in the countryside. All of the interests in the countryside are attempting to preserve or extend their rights in the countryside.

There are other pressures; the rural population is becoming increasingly populated by middle class in-migrants who tend to conceptualise the rural as idyll (see Savage *et al.* 1992; Thrift, 1989). Faced with the threat of change in the countryside 'lay elites' (Stewart & Stoker, 1995), comprising a mixture of new and traditionally powerful groups, attempt to place pressure on central and local government to 'preserve' rural space. Through empirical study of one facet, countryside access, within this process of argumentation this thesis critiques the policy and politics of the construction of a new Liberal citizenship as part of the Conservative party's political project in the UK. within other, wider processes of change.

### *iii. Thesis Structure*

The thesis comprises eight main chapters divided collectively into two parts. The first part explores the historical development of rights of access alongside the development of citizenship rights. The second part of the thesis assesses contemporary policy and politics, through two empirical studies, in relation to countryside access provision and the construction of citizenship in the UK. This latter part of the dissertation also reviews and relates the theory and practice discussed, placing the research findings into context.

This first part of the thesis sets out the parallel histories of the usage of the English countryside for recreation and the shifting balance of rights of access associated



directly and indirectly with this function. By examining the development and curtailment of rights, be they customary or legal<sup>2</sup>, past and current countryside policy that impacts on land use in the countryside can be critically assessed. It is argued that such policies and legislation have far-reaching implications in terms of rural identities and rural politics and are infused with social and cultural meaning.

It is inevitable that the history portrayed in Chapters One and Two is partial, the main political and cultural changes pertinent to the balance of rights in relation to access to the countryside affect much more than countryside access. The first Chapter sets out the historical development of rights of access in the English countryside, examining how the changes were legitimated and showing how the customary *habitus* was affected in the process of economic rationalisation during the Agricultural Revolution (see Thompson, 1993; Bourdieu, 1984;1977). In Chapter Two the institutionalisation of countryside access is charted from the first parliamentary challenges for a right to roam, the mass trespasses of the 1930s and to the successive legislative and policy provisions made until the present.

The main objective of Chapters Three and Four is to illuminate the parallel development of citizenship rights and responsibilities with the developments and struggles over countryside access in England. Chapter Three is entitled 'An Archaeology of Citizenship'. This section analyses the concept of citizenship and the development of citizenship theory. Following this historical examination, Chapter Four contemporises and extends these concepts in relation to current policy and the political project of the Conservative party in relation to the 'active' citizen and the related establishment of 'consumer-citizenship'.

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<sup>2</sup>Also described in legal terms as; *de facto* or *de jure* : as of fact or as of the law. Alternatively as; *lex loci*, *lex non scripta* or *lex scripta* rights, translated as; local rights, unwritten rights and legally defined rights. Within the thesis the terms *de facto* and *de jure* will be used.

This historical and theoretical study leads to Part Two of the thesis. This examines empirically and in theoretical terms, two phenomena, analysing them in terms of their impacts on citizenship, the regulation of rural space and the claims made regarding citizen participation and empowerment in the countryside. Part Two begins with Chapter Five setting out the epistemological and methodological background and the approaches taken in researching the empirical elements of the thesis. Chapter Six focuses on the operation of hitherto unresearched Countryside Access Liaison Groups (CALGs) and their rôle in mediating between different parties involved in countryside access and the agency of those involved with those groups. Examples of how such groups influence or are denied access to policy-making are shown. This is conceptualised in terms of how the present system of countryside access operates and how 'active' citizens attempt to participate in, or subvert, this system.

Chapter Seven concentrates on the Parish Paths Partnership (P3) scheme in Gloucestershire, analysing the policy and the participants in relation to empowerment and 'active' citizenship in the countryside. The language of 'empowerment' and citizen action was openly employed by the Countryside Commission and the Department of the Environment to legitimise the P3 scheme. The purpose of P3 was to open up rights of way across England using local volunteers. Chapter Eight acts as a synthesis and discussion chapter for the dissertation, evaluating how citizen action is presently conceptualised by government, and how such actions are actually constructed and received within present institutional and political structures. This last chapter also places the study into the wider contexts of rural restructuring. The conclusion of the thesis draws together the main findings and discusses the research in relation to how public participation and citizenship are likely to develop in the future given present political, economic and cultural changes that are evolving. The areas of concern that require further research and the emerging trends that relate to the thesis directly are also mentioned in the conclusion.

# Part One



## Chapter One

### *The Historical Context of Access Rights in the English Countryside*

"...the new working classes, were being urged to follow movements which, at least in theory, put a common international class interest above national affiliations. At all events, from the point of view of ruling classes the important thing was not what 'the masses' believed, but what their beliefs now counted in politics. They were, by definition, numerous, ignorant and dangerous; most dangerous precisely by virtue of their ignorant tendency to believe their eyes, which told them that their rulers paid too little attention to their miseries, and the simple logic which suggested to them that, since they were the bulk of the people, government should primarily serve their interests."

(Hobsbawm, 1977:p122)

#### **1.0 Introduction**

This chapter charts the development and curtailment of recreational rights beginning with an analysis of the Enclosures. Thus beginning the analysis of citizens rights and property rights in the English countryside in relation to public access for recreation. The process of rationalisation which took place in that period is discussed up until the inter-war struggles to regain 'lost' rights. The role of the Judiciary, the Church and the landed gentry in this period is discussed and the reaction of the population to the changes in rights distributions is charted. The chapter sets out the historical formulation of present rights distributions in the countryside and discusses the effects this had on rural society at the time and the historical legacy that this now provides. The main concern here is to analyse the changes in the distribution of rights in the countryside from the period of the Agricultural Revolution<sup>1</sup>, to World War Two, especially those changes that directly affected access to land.

#### **1.1 The Agricultural 'Revolution' and the Redistribution of Rights**

##### *i. The Agricultural Revolution*

It has been noted that, during the period from Elizabeth I to Queen Victoria and beyond, the combination of urbanisation, commercialisation, the imposition of quasi-

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<sup>1</sup> The exact period is subject to dispute. The most narrow period is 1760-1830. This has now been discredited and symptomatic change such as Enclosure and redistribution of land ownership have been found to have been occurring gradually and irregularly since the middle ages. Here the period is taken to be from the reign of Elizabeth I to Queen Victoria (see Beckett, 1990).

religious social values and the rationalisation of land-use led to a significant shift in either customary *de facto* or legal *de jure* rights over land and of citizenship (Malcolmson, 1973). These were prescribed legislatively, bought out, or created as part of a process of social conditioning. Land use was controlled in order to bring about suitable conditions for capital accumulation and the development of agriculture into a profitable enterprise and so that ownership could be agglomerated with as little hindrance as possible. The consequent gathering of rights which accrued to landowners is crucial to present day conceptions of 'land ownership'. The power that landowners then clinched using the land is important in analysing present policy constraints. Past policy and the historical legacy still help to shape the ways in which future countryside policy may develop. This gives rise to tensions brought about by the economic need to diversify land use in the countryside and other social changes such as counter-urbanisation (see Chapter 2).

The effects of the Agricultural Revolution on rural (and urban) society were profound: the repercussions for rural society in contemporary times are fundamental. The simplicity of an argument which identifies only one phenomenon as being the only vehicle of change is open to criticism. Other circumstances, too numerous to explore fully here, had influence on changes in the English countryside, particularly during the period of the eighteenth and nineteenth centuries (see; Tawney, 1926; Chambers & Mingay, 1966; Trevelyan, 1967). The Enclosures in particular, embodied the ongoing process of change during the period of the Agricultural Revolution and their effects on rights were manifold.

In terms of the rationalisation of rights and the formalisation of such rights over land the period was revolutionary (Trevelyan, 1967)<sup>2</sup>. The societal changes which were prompted by the new commercial agriculture were fundamental. The changes outlined

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<sup>2</sup>The description 'revolutionary', has been disputed by other historians because the period of change has been argued to have been a slow process rather than a more fundamental shift. The label is maintained here because the factor of time is less important than the eventual outcomes in terms of rights distributions and access to the countryside.

below were not brought about by the expansion of the old economic system but by the creation of a new one. The implications of the move away from a feudal system to a market-based system were far reaching. The Agricultural Revolution did not simply change the way in which the land was used but as a direct consequence also changed the way of life for many rural people. Newby (1987:p8), emphasises this point when introducing the Agricultural Revolution:

"we are discussing the transition between two completely different types of society...it is a question of the whole social, economic and cultural basis upon which society was constituted."

The features of the transition between a feudal countryside to a capitalist one were varied, the Enclosure movement having both significant pro-active and reactive roles in facilitating such dramatic change in rural land use. The economy and the population were both in a relative state of flux. There was change in methods of production, technological advancement and there were large increases in population and their distribution marked by the process of urbanisation (see Beckett, 1990; Hilton, 1976).

Between 1700-1850 there was an increase of approximately 300 percent in the population of England and Wales. By 1801 the population stood at around nine million with the birth rate being far higher than the death rate (Trevelyan, 1967; Turner, 1980). These increases in population, which continued throughout the Victorian era, served as part of the impetus for increasing the productivity of the land. Couched in simple terms, the more people, the more the land was worth and the more pressure would grow on the land for varying land use activities. Therefore the power and prestige which had already been a feature of landownership became even more important as a means of capital accumulation (Thompson, 1975).

## *ii. The Process of Enclosure*

The Enclosures have been researched and argued over for many years. For the purposes of this thesis, this inevitably concise account of the process of the Enclosures



provides part of the historical story of rights in land. It is necessary therefore that a good understanding of the main periods of the Enclosures is included below. The charting of the historical progression and curtailment of rights cannot proceed justifiably without investigating the linkages between those changes in rights, the rise of capitalism and the main economic and political events of those periods. It is helpful to set out the various engines of change below.

The Enclosures involved the demarcation of land from open land; either uncultivated, common land or land farmed on the strip system, to clearly defined, larger, parcels of privately owned land. The process in question is accurately described by the word 'enclosure'. It involved the allocation of land, much of which was previously common, waste or open land to individual ownership or occupancy. Much arable land being farmed using the traditional strip system was also enclosed during the Enclosures. The land which was enclosed was fenced or bounded by ditch or hedge to signify its enclosure. Thirsk (1967:p125) states that:

"To enclose land was to extinguish common rights over it...To make it economically worthwhile, enclosure was often preceded by the amalgamation of several strips by exchange or purchase. If the enclosed land lay in the common arable fields or in the meadows, the encloser now had complete freedom to do what [s]he pleased with [her]his land throughout the year."

The way in which this was enabled and the outcomes of these changes are complex. It is clear that two distinct phases of enclosure took place, exhibiting different procedures and occurring in differing circumstances. Although the Enclosures were only one feature of the Agricultural Revolution they were: "...possibly the most important, of the many changes that combined to reduce the numbers of the independent peasantry, while increasing the aggregate wealth of the countryside..." (Trevelyan, 1967:p390).

Since Elizabethan times<sup>3</sup> enclosure had proceeded at a slow pace. It has been suggested that one of its prompts lay partly in "an altruistic desire to feed a growing population" (Norton-Taylor, 1982:p17; see also Thompson, 1993). During the Seventeenth century the first well documented and significant enclosures were being actioned. It has been suggested that in the main these earlier enclosures were often effected through agreement of the parties involved or by the purchase of the land to be enclosed by mutual agreement. Trevelyan (1967:p131) makes this point regarding both the chronology and the social reaction to early enclosures:

"Throughout Tudor times as for centuries before 'enclosure' of the land with permanent hedges was going on in various forms: the enclosure of open field strips into a smaller number of hedged fields to promote better individual tillage; the enclosure of village commons; and the enclosure of arable land for pasture. All of these forms of enclosure increased wealth, and only some of them defrauded the poor or reduced the population. Some were carried out with the active collaboration of the peasants themselves. Others, especially the enclosure of commons, were deeply resented, and provoked riot and rebellion."

The later process of Parliamentary enclosure is generally agreed to have taken place during the period of the mid-eighteenth to the mid-nineteenth centuries, with some exceptions before and after those dates. Historians have discussed this at great length. (See for example: Turner, 1980; Norton-Taylor, 1982). This type of enclosure was commonly enabled by an Act of Parliament which granted the new owner the right to impose absolute rights of private property on land which had been previously unenclosed. In many other cases the land was enclosed via private agreement, larger landowners simply buying out smaller yeomen to facilitate better returns through economies of scale (Shoard, 1987). In order to bring a Bill of Enclosure to parliament a majority of the landowning interests of the land in question would need to agree to its enclosure. There were many enabling Acts of Parliament which altered the eligibility of applications; notably the 1801 General Act, where the consent of two-thirds of the landowners was needed to allow an Enclosure Bill to proceed. It was normal practice for larger landowners to buy out smaller landowners specifically to get the necessary legal consent to enclose (see Turner, 1980).

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<sup>3</sup> As mentioned, enclosures actually began centuries beforehand (see for example: Tawney, 1990; Thompson, 1993).



In order to promote the efficient use of land, various plots and strips of land were often amalgamated, forming larger field systems with either, other land being allocated to the previous owners, or payment made for the loss of land. Many owners found that they were given dispersed plots, or plots of irregular shape, both of which hampered efficient land-use. The reallocation of the land under Parliamentary enclosure was overseen by Parliamentary Commissioners. The allocation and arrangement of land was their responsibility. It was during this period that much of the present footpath system was set out by parliamentary surveyors, often replacing customary 'rights' of way. It is from this process that the Parliamentary Enclosure Commissioners and surveyors set out the footpath network to help compensate for the loss of other *de facto* rights of passage over land.

Between 1720 and 1850 there was a relative spate of enclosures, mainly enabled by Parliamentary Bill. The process of enclosure had by this time become national policy, Trevelyan (1967:p391):

"...after the third decade of the eighteenth century the work began to be carried on by a new and wholesale procedure: private Acts of Parliament were passed which over-rode the resistance of individual proprietors to enclosure; each had to be content with the land or the money compensation awarded to him by parliamentary commissioners whose decisions had the force of law."

The Parliamentary Enclosures amounted to large-scale compulsory purchase of a wholly unsophisticated kind<sup>4</sup>. Methods of valuation and compensation were somewhat crude and the appraisal of such esoteric things as common rights or customs were inevitably considered vexatious by the valuers. Arguments regarding the intrinsic value and potential value of such customary rights were not well voiced at the time. The loss to future generations was not a consideration which could sufficiently oppose the economic arguments for untrammelled private property rights

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<sup>4</sup> It differed from contemporary state compulsory purchase in the sense that larger landowners were purchasing rather than the State.

(Thirsk, 1967). The political motivations of the enclosers during this phase of enclosure is not difficult to detect (*Ibid* :p391):

"Batches of these revolutionary Acts were hurried through every Parliament of George III (1760-1820), assemblies not otherwise famous for radical legislation. But this was the radicalism of the rich, often at the expense of the poor."

The outcome which characterises all of the enclosures - regardless of their original motivation or intent, is the resultant homogenisation of land into, relatively marketable and ultimately profitable, parcels of land which could be used variously and without interference from minor interests in the land. The land had become a commodity to use and to trade; customary practices and common rights at that time were not in the interests of those holding power. The modernising (but hardly invisible) 'hand' of Parliament and larger landowners (not necessarily mutually exclusive groups) saw such 'rights' as hindrances to the rationalisation of land and its use (Thompson, 1993).

The Enclosures were part of a wider socio-economic shift towards the rationalisation and economic utilisation of the land. This series of significant changes included; increased capitalisation of the land, improved farming techniques and the development of important agricultural innovations (Newby, 1987). Before the advent of widespread enclosure, market-oriented land use and the 'drift from the land', country life had been dominated by the ancient feudal system whereby rights of ownership were less closely defined than at present. 'Ownership' was less concentrated in private hands, since rights and interests in the same land parcels accrued to many people. The change from feudalism to capitalism was a gradual process spatially and temporally (Hilton, 1976). By the time of the English Civil War (1642), however, half of the agricultural land of England had remained unenclosed or unidentifiable as 'private' (Norton-Taylor, 1982).



The extensive nature of common rights and widespread ownership of small packages of land ameliorated the meagre lot of the peasantry. Rural land was either waste, common or under cultivation using the open strip system whereby different strips were owned by the individual on a subsistence basis (Trevelyan, 1967). The later capitalisation of the land and improvements in farming techniques were to make agriculture an activity which could create surplus produce and therefore be profitable. The notional economy of co-incidental use rights was coming under greater strain, as E.P. Thompson notes (1993:p106):

"Demographic pressure, together with the growth of by-employments, had made the marginal benefits of turbary, estover etc. of more significance in the package that made up a subsistence economy for "the poor"; while at the same time the growth of towns and, with this, the growing demand for fuel and building materials enhanced the marketable value of such assets as quarries, gravel and sand pits, peat-bogs, for the larger landlords and lords of the manor."

Gradually the relationship between the landed and the landless changed from cohabitation and the acceptance of traditional and customary relations, to one which relied on law to enforce a particular rights structure. The interest of the common good gave way to private interest (Shoard, 1987). The emphasis on land as a commodity or as strictly private is one which has developed over time:

"...private property in land, is itself a concept which has had an historical evolution. The central concept of feudal custom was not that of property but of reciprocal obligations."

(Thompson, 1993:p127)

The theories of John Locke and later Adam Smith gained increasing acceptance in the seventeenth and eighteenth centuries (Hodge, 1991) and were used, by property owners, to justify the exclusion of others via the laws of property as laid down by a Parliament which was itself, dominated by the landowning interest (Norton-Taylor, 1982). These political and economic theories emphasised and gave priority to the atomistic and the contractual - the doctrine of possessive individualism (Honore, 1961; MacPherson, 1962). It is true that the feudal economy was inefficient and lacked order. The new order was "conforming with an age of agricultural 'improvement' and was finding claims to coincident use rights to be untidy. So also

did the modernising administrative mind" (Thompson, 1993:p106). Shoard (1987:p60) acknowledges the philosophical reinforcement of the 'modernisers' and their theoretical justifications for change:

"Britain's landowners acquired an ideological framework of their own to match that of their critics...they looked to philosophers who presented the ownership of property as intrinsically good."

The cultural rôle of land and its ownership changed. The intensive use of land as a wealth creator became of paramount importance. The right to untrammelled private property became a central tenet in English law and importantly the laws relating to private ownership rights, such as exclusivity of use, were applied vigorously by the courts. Approximately one fifth of the land area of England was enclosed between 1700-1850 - this amounted to two and a half million acres of common and waste and four and a half million acres of open field with much more being enclosed before and after this period (Turner, 1980; Williams, 1973; Hilton 1976).

The later period of enclosure took place within the wider backcloth of the Agricultural Revolution and the beginnings of the Industrial Revolution (Trevelyan, 1986). An increase in the supply and productivity of agricultural land being one of the prerequisites of the former and an increasingly urban-based workforce as a result of the latter. Enclosure at this time was therefore an important push factor in the nascent modernising industrial age. There were several main conditions which precipitated enclosure of land, notably, the sharp increase in the prices of grain crops, prompted, in turn by the Corn Laws and the Napoleonic wars (Trevelyan, 1967; Turner, 1980). The causation and duration of events, once again, was subject to debate by those analysing the history of the Enclosures (Newby, 1987; Turner, 1980).

The alterations in the structure and distribution of rights throughout the periods in question gave rise to ill feeling amongst the local populations who were to lose 'rights' under the rationalised landscape of private property. The expedited enclosures of the



period 1760-1820 made the changes more readily apparent to the population at large. There were consequent protests against enclosure, as discussed below.

Looking at the Enclosures contemporaneously, during a period of agricultural restructuring and commoditisation of the countryside, it is interesting to draw parallels between these old extinguished rights and the present moves towards the separation and monetisation of similar rights. Those, of course, now lie within the bundle of rights held under the now dominant legal construction of private land ownership. Recent policy to commodify co-incident land uses are discussed in Chapter Two and the impacts on rights are discussed in chapters Three and Four).

## **1.2 Changes in the Structure of Rights**

### *i. Rights and the Economic New Order*

The physical act of enclosure was a manifestation of the gradual change in the distribution of power throughout society and the nature of the exercise of that power. Williams (1973:p107) underlines the importance of the Enclosures as a social, economic, cultural, legal and political statement:

"What happened was not so much 'enclosure' - the method - but the more visible establishment of a long developing system, which had taken, and was to take several other forms. The many miles of new fences and walls, the new paper rights, were the formal declaration of where the power now lay. The economic system of landlord, tenant and labourer, which had been extending its hold since the sixteenth century, was now in explicit and assertive control. Community, to survive, had then to change its terms".

The impact of the Enclosures should not be underestimated. The effect they had, on a cumulative scale, on many spheres of life was dramatic. Amongst the many outcomes which the modern economic system brought about was a redistribution of rights over land. The loss of customary rights was one of the most important consequential changes which has provided the legacy which directly affects public use of land for recreational purposes now.

## ii. Traditional Access 'Rights'

Previous to the enclosures and the linked agricultural changes, communities had substantial access to land (Bonyhady, 1987; Malcolmson, 1973). The opportunities for recreational use was present and many cultural recreational events were based on the land. The loss of various common rights to use or take from the land were lost and with them so to were recreational 'rights' (Malcolmson, 1973). Shoard (1987:p66), emphasises the effect this had on the poor and those without their own land:

"After enclosure all common rights disappeared [on the enclosed land] except, in some cases, the right to glean fields after harvest. The poor lost their right to graze animals, cut turf, gather wood, collect berries and so on. In countless villages in England and Wales, the effect of the changes was to destroy the subsistence economy that supported the poor".

It should be stressed that the use of land for the purposes of leisure activity was almost certainly not the most important facet of the lost access to the land for common people at that time. The rights; to fish, take wood, cut peat or to graze animals were more immediate concerns. However it is crucial, in the modern context, to note when these rights were restricted; for what reasons and whether or not the justifications espoused then, are relevant in contemporary times.

The right to pass over land has existed since time immemorial when people walked and rode across country between settlements to trade and communicate. These 'rights' were won as part of the reciprocal arrangements that Thompson (1993) alluded to, as noted earlier. Access to land for the primary purpose of recreation, a right to remain, is a more recent concept (Bonyhady, 1987). There were no *de jure* rights for recreational access *per se*. However, Malcolmson (1973:p108) recognises that many enclosures did adversely affect the exercise of popular pastimes:

"Enclosure militated against popular recreation since it involved the imposition of absolute rights of private property on land which had previously been accessible to the people at large, at least during certain seasons of the year, for the exercise of sport and pastimes."

The change to an industrial urban economy and a commercialised rural economy left the role of recreation in a much altered situation. Access to land was curtailed for



many activities previously enjoyed by the landless. Part of this access to land was for recreation and the opportunity for such recreations were, therefore, restricted along with the curtailment of hunting and other rights in common.

It is difficult to distinguish between access rights *per se* and rights of access to land for purposes other than recreation which may have existed before and during the main periods of enclosure. In such altered economic and social conditions the categorisation of use rights which existed historically lose some degree of meaning when viewed in the light of present legal, political and societal contexts. The importance of many of the historical rights are twofold; firstly, the flexibility and amenability of land for all, and secondly the prevention of, or resistance to, hegemonic power over land. The distinctions between access to land for work, leisure or subsistence were blurred. It is the principle of exclusivity under possessive individualism which is under scrutiny, rather than the specific motivations for the exercise of a right which interferes with exclusive land use. It is the fact that these customary rights challenged and abeyed exclusivity of use that is important (Malcolmson, 1973).

The particular outcome in terms of the way in which rights over land were distributed represents a rationalisation process, one which clinched control over the land (Donnelly, 1986; Thompson, 1993). This hegemonic assimilation of power was consolidated quite subtly in some ways. Williams (1977:p112) views hegemony as a process rather than a state, the maintenance of a *status quo* has: "continually to be renewed, re-created, defended and modified". Conversely this situation is "continually resisted, limited, altered, and challenged" (*Ibid*:p112) by those seeking to alter a *status quo*. Clarke & Critcher (1985) view hegemony, specifically in relation to leisure, as a process: "involv[ing] the effort to dominate a society in which the divergent interests and perspectives always threaten to outrun the ability of the dominant culture to contain and incorporate them" (1985:p228). They continue to identify leisure as an important facet of the struggle for hegemony in Britain in two ways. Firstly, the



repression of 'undesirable' uses of free time and secondly, the substitution of these with; "leisure patterns which are civilising and profitable" (*Ibid*:p228). This process is seen in the development of enclosure and is discussed below. Rural culture and traditional recreations were suppressed and then effectively curtailed by the enforcement of private property rights over land which had previously been used for recreation. Jones (1989:p116) makes this point:

"The economic or rational approach to relationships in the countryside was accompanied by an assault on traditional village culture. Once again the targets were the 'idle', 'dissolute' and 'desperate', and the objectives were control, respectability, and productivity. The attack, which came from both outside and inside the village, was conducted through the Church, the school and the law."

The process at the village level affected the *habitus*<sup>5</sup> or lifeworlds of the localities experiencing change this, therefore, had bearing on the character of the nascent and still to develop bundle of citizenship rights. During the earlier periods of the Agricultural Revolution, and at a slower pace later on, the nation state of Britain was still developing, and as part of that process drawing together a collection of 'localities' with their own customs and practices, only some of which concurred with notions held by the powerful. Therefore the 'loss' of local rights at one time and in one place represented rights that could have become (national) legal rights given different historical circumstances and rights that are today conceptualised as being national<sup>6</sup>.

The process of economic change was consolidated and defended through rural institutions such as the Church. The attitude of the Church towards popular recreations such as rough football and quasi-pagan festivals, was that they tended to run contrary to the accepted tenets of "regularity, orderliness, sobriety, providence, and dutifulness" (Malcolmson, 1973:p90), they encouraged moral laxity and as such were to be discouraged in order that "individual and social discipline" could be observed (*Ibid*). Tawney (1926) takes a contrary view identifying the Church, during

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<sup>5</sup> The concept of *habitus*, developed by Bourdieu is considered fully in Chapter Three and in Chapter Eight. It concerns the lived environment of individuals and communities.

<sup>6</sup> Recent moves to empower local communities (or perhaps powerful factions within community) having bearing on this and are discussed in Part Two.

the earlier periods of change, in the middle ages, as one of the main opponents of such wholesale socio-economic change and the subsequent effects on rural society. The Church was often the protector of the poor, standing up for the interests of the peasantry, Charlesworth (1980:p105) reinforces this point:

"...at the very moment when developments in agrarian capitalism should have torn down the veil of paternalism, the persistence of the gentry and the clergy in upholding their time honoured roles as guardians of the poor gave the needed legitimation to any defence the labourers might attempt of their traditional rights under that code."

Malcolmson (1973:p74) remarks that in England; "the established Church was largely a senior servant in the machinery of government". This meant that in the long run it was in the interests of social stability and the vested interests of the State and the Church that the Church helped implicitly, if not explicitly, to accept and reinforce the new order of things - it so happened that this 'new order' provided a more convenient social shell for behaviour more fitting with a 'Christian lifestyle'. It also meant that, fortuitously, the Church's lands were to be more profitable and valuable in unfettered ownership. There is little doubt however, that on a local level the apparent inequities caused by the changes in ownership, custom and lifestyle were opposed by the Clergy (Hobsbawm & Rude, 1973). It is important to remember that continued resistance to social and economic change was difficult to maintain. Even now there are still fragments of old paternalistic/feudalistic attitudes prevailing in many areas of the English countryside. It is the defence of varying customary or other rights held by non-landowners that is discussed below.

### **1.3 Rural Protest and the Resistance to Change.**

#### *i. Rural Unrest*

Prior to the Enclosures much more land was open: much open space was lost to the citizen during the Enclosures. The shifts in the perceptual and actual rôle of land was met with some resistance leading to various acts of protest, the motivations of which centred on lost rights:



"In Wales and in some English districts, many of the crimes of theft, and some of violence, occurred on disputed or newly enclosed land. What caused particular annoyance was the legislation defining ownership of wild produce, birds, fish and animals."

(Jones, 1989:p115)

The enclosures and the rationalisation of land use meant that the types of activities exercised through *de facto* rights were subsequently curtailed. The landowners enforced their right of exclusivity and right to use the land, as they wished, in order to carry out more intensive agricultural activity. The demolition of fences and filling of ditches marked the physical protests of The Levellers, The Diggers and other groups in the seventeenth century. These formed the early active resistance to the Enclosures (Hobsbawm & Rude, 1973; Shoard, 1987; Tawney, 1926). Other 'crimes' were linked to the changes in the socio-economic make up of the countryside or rural habitus.

These protests were often borne out of necessity:

"Crimes of trespass formed a small but persistent element in the statistics of rural crime. Unfortunately, it is difficult to distinguish between ordinary criminal offences and those which are regarded as acts of protest. The removal of gates and fences, which so annoyed East Anglian farmers in the first half of the century [19th], was both a common youthful prank and a recognised form of intimidation and revenge. Similarly, prosecutions for trespass and for the destruction of weirs, walls, trees and produce could indicate battles over disputed property and rights of way."

(Jones 1989:p119)

Disputes over the rightful distribution of rights in the land have existed throughout history. In England the development and observance of many common rights were customary and therefore without the force of law. The landowning class were in many cases the creators and enforcers of the law: both, the Legislature and the Judiciary, were heavily represented by landowners. This meant that the rights claims of many commoners and landless people were lost during the process of enclosure: Parliamentary or otherwise (Tawney, 1926; Norton-Taylor, 1982).

It has been acknowledged that one of the origins of rambling (working class rambling at least) was to enable "a retention of ties with rural origins" (Donnelly, 1986:p218).

This was linked to the old tramping tradition which involved workers from the



countryside walking to work in the towns and cities and from settlement to settlement to communicate across country. Tramping between settlements had been taking place since pre-history. Indeed the development of many footpaths and rights of way owe their existence to these ancient usages (Malcolmson, 1973; Shoard, 1987). The development of more 'middle class' use of the countryside for recreation lies in the 'Romanticisation' of the countryside which persuaded the city-dweller that the countryside was a safe, beautiful and healthy place to spend time. This notion countered previous, and intermittent, concerns held by many that the countryside was: "a place of fear and dread...a gloomy and uncouth place" (Blunden & Curry, 1990:p21). These shifts in cultural perception, towards the amenity of the countryside, led to calls for its protection and the first countryside pressure groups to develop.

#### *ii. The Establishment of Countryside Amenity Groups.*

As early as 1826 groups were forming with the purpose of protecting rights in the countryside, they were prompted by a variety of events: the loss of space brought about through enclosure; the romanticisation of the countryside by writers and artists of the period and latterly, the increase of leisure time, or at least the delineation of work and leisure time being experienced by a wider cross-section of society (Clarke & Critcher, 1985; Blunden & Curry, 1990). This marked the beginning of a conflict over the recreational use of land which is still current (Rubinstein, 1982; Stephenson, 1989). As mentioned above, the migration into the the towns and cities left many people with a cultural void that was passed on into the following generations (Williams, 1973). Many of the countryside groups established towards the end of the nineteenth century were harking back to rural roots.

The formation of groups such as the Commons and Open Spaces Preservation Society (1865), the National Trust (1895), the Campaign for the Preservation of Rural England<sup>7</sup> (1926), the Youth Hostels Association (1930) and the Ramblers Association

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<sup>7</sup> Now named the Council for the Protection of Rural England.

(1935), came about as rural space was modernised making the countryside more 'ordered' and more economically rational. The countryside was increasingly distant to town dwellers and the groups aimed to protect and enhance its recreational and aesthetic value, to ensure no further loss of space and to try to re-establish rights-claims to land:

"Through the activities of the Commons Preservation Society, founded in 1865, the process [of enclosure] was checked, and the Commons Act of 1876 severely limits the rights to enclose...although the Act of 1876 practically halted the enclosure movement, the destruction of the ancient manorial structure of villages had by then been almost completed".

(Simpson, 1986:p261)

There were quite recognisable differences in the groups' aims and also in their make-up. It has been noted that many of the active members from the South were middle class and that in the North they were predominantly working class (Blunden & Curry, 1990). Whilst this may be a generalisation, there were marked differences in the aims and approaches of the various groups:

"...organisations such as the Commons, Open Spaces and Footpaths Preservation Society...were more conservative organisations and lent more covert pressure for access reform."

(Blunden & Curry, 1990:p28)

Of course the concept of 'conservative' is relative. The groups in the south sought more conciliatory methods of reaching agreement over access arrangements. They go on to note that:

"Membership of these organisations was largely middle class and they effectively used litigation, personal influence and connections with the Establishment to further their ends."

(*Ibid*:p28)

It seems that the countryside amenity movement was dominated by the radical liberal intelligentsia, especially during the nineteenth century. Whereas the ramblers were notoriously seditious in their calls for access provision - they had evolved from a multiplicity of local and regional (mostly working class) access/rambling groups which had been pressing for access rights throughout the previous century. The earliest access/amenity groups were being formed by the 1820s. For example, a North

Yorkshire group came into being in 1824 and a Manchester association in 1826 (Stephenson, 1989; Rubinstein, 1982). These groups were forming as a result of the loss of *de facto* access and, realising the fragility of such informal access arrangements began to make claims for *de jure* access. They ultimately dreamed of a general right of access over the land (Stephenson, 1989; Rothman, 1982). This is still an integral policy aim of the Ramblers Association today:

"We must secure for all time a legally protected right to roam over mountain moor and other uncultivated open country. We should encourage all landowners and farmers to follow the example of those who already allow people freedom of peaceful passage over their land."

(Ramblers Association, 1995:p13-14)

The more militant ramblers and protesters, after World War One, were continuing a tradition of resistance out of necessity, over the distribution and constitution of ownership, rights and as a corollary; of power over countryside goods, practices and people living in the countryside. The modernisations that had taken place during the Agricultural Revolution allowed land to be utilised efficiently and, in times of national emergency, were employed in order to more effectively to feed and service the population (Wright, 1996; Tannahill, 1975; Newby, 1978). This priority safeguarded rural land and its ownership, ensuring that agricultural land use had prime importance - this status is still discernible in agricultural/rural policy terms now (Curry, 1993). This is not to deny that dissenting voices have called for such strategies to be employed in the countryside in the past. This is most famously exemplified by the minority Dennison report produced in the 1942 Scott Report on Land Utilisation in Rural Areas (See; Chapter 2, Cherry, 1975; Curry, 1993). The protection of agriculture and therefore of agricultural land was evidenced each time legislation involving land use in the countryside was proposed. The interests of the landowners were accorded priority: the constraining power of the agricultural land lobby remains largely intact today. Cox (1984) and Cherry (1975) provide detailed histories of legislative struggles over the use and control of land. The maintenance and reinforcement of a utilitarian conception of property rights which best served the



interests of 'the nation', whilst also serving the interests of landowners themselves, had been successfully installed.

It is interesting that, mixed into the story of the Enclosures of the eighteenth and nineteenth centuries, the same nationalistic justifications for rationalising land rights are influential in the Twentieth Century. Possibly the most well known access flashpoints were the mass trespasses of the 1930s. These are described below.

### *iii. The Mass Trespasses*

The first and most infamous mass trespass took place in April 1932 at Kinder Scout in the Peak District. This incident served to show the frustration and feeling of inequity, that existed between the public and landowners, over the position which non car-owning walkers felt at being excluded from large areas of open land. Ramblers felt that this land was suitable, accessible and affordable, for recreation within their area (Rothman, 1982). The largely working class Ramblers were "forced into wars of attrition with landowners" (Donnelly, 1986:p219), rather than mounting expensive legal challenges over rights over land, because of their economic and social circumstances. This is reflected in reports of the trial of those charged after the trespass, the '*Kinder Scout Six*'. They were unable to mount a satisfactory defence for want of funds. In any case, the trial seems to have been slightly unbalanced, with the entire jury constituting of local landowners, local dignitaries and Army officers (Rothman, 1982; Stephenson, 1989).

The mass trespasses symbolise a struggle over rights in the countryside. They occurred at a time when the public were becoming more politically aware of the implications of private and public provision of services and the regulation of rights/rights claims to those services. In terms of access this meant the role of the state, the landowner and the market in providing countryside recreation opportunities. It was a period when the institutionalisation and the nationalisation of services was

gaining political currency (Cox, 1984). This given, the landowners were generally more apprehensive and perhaps anxious about ceding rights over land to the public. There were trespasses later in 1932 and other rallies and demonstrations in support of improved access rights (Rothman, 1982; Lowerson, 1980).

The organisers of the first mass trespass were members of the British Workers Sports Federation (BWSF). This group had already gained some notoriety for using similar tactics in the cities (notably London) to gain improved sports facilities there. However, the local ramblers associations of Manchester and Sheffield were not officially involved in the first trespass. They were generally against such drastic action, preferring instead to continue with their more conciliatory methods of securing access, mainly by negotiating access individually with particular landowners (Rothman, 1982). There has always been a variety of strategies employed to improve access opportunities. The methods of protest and the efforts on the part of those attempting to validate their claims for access rights are partly echoed today through the efforts of Countryside Access Liaison Group members (see Chapter Six).

It is clear that the organisers of the mass trespasses were fully aware of the principles and underlying historical processes which had helped to create the scenario that they were faced with (see Rothman, 1982; Thompson, 1980). It is the hegemonisation of rights over land by private landowners that provided them with legitimation for their actions to assert an alternative rights claim. Donnelly (1986) notes that five of the six trespassers arrested after the first mass trespass were members of the Young Communist League. Bernard Rothman, one of the six charged after the Kinder Scout mass trespass, set out in his address to the trespassers on that day, the issues which underlay their actions:

"I very briefly outlined the history of the injustice of enclosures, which had stolen Common Land from the people in a fraudulent series of so called Enclosure Acts. I sketched the history of the Access to Mountains' agitation from its inception in 1884, nearly fifty years earlier, and the ruthless landowners lobby which frustrated any effort to pass the Bill through Parliament."

(Rothman, 1982:p28)



It is a strong thread, which has been continued by the Ramblers Association in contemporary times, that much of the claims of the ramblers and political activists were to do with 'regaining' lost access rights, rights which had been lost during the eighteenth and nineteenth century Parliamentary enclosures (Ramblers Association, 1990; Donnelly, 1986; Simpson, 1986). The intensely political nature of the challenges which those walkers made in 1932, threatened, or were perceived to threaten, the 'order of things', the *status quo*, and the dominant ideologies of property (Abercrombie, *et al*, 1984; Newby *et al*, 1978). An early Parliamentary challenge, the 1932 Access Bill, failed to become law possibly as a backlash reaction to the mass trespasses. One of the speakers against the Bill decried it as: "a vicious and bolshevik attack on private property rights" (Lowerson, 1980:p277). Chapter Two expands on the legislative progress of the countryside access lobby.

#### *iv. The Enforcement of Exclusivity.*

The burgeoning population of both the north and south of England were restricted temporally, spatially and financially from spending their free time outside of the towns in which they lived (Stephenson, 1989). Over time improvements in pay and conditions enabled more people to take holidays and they therefore began to seek to make more use of the countryside as a recreational space (Clarke & Critcher, 1985). For others, unemployment and urban deprivation meant that paradoxically they had no money but lots of free time to spare. The spectrum of circumstances that people experienced during the first fifty years of this century mainly conspired to increase the demand for rural recreation and the desire to make increasing use of the countryside. This set up a tension between the countryside - as the Country's 'breadbasket' - the productive heart of the nation (and landowners as stewards of the land) and as leisure space for the population at large - the nation's playground (see Williams, 1973).



It is ironic that many conflicts concerning leisure pursuits took place not on prime agricultural land but in the uplands. Donnelly (1986) points out that land-use was varied across England with, for example, more moorland in the north of England. In the south of England, the predominant land-use was that of agricultural grazing or crop production, which was not necessarily in conflict with the use of the land by people for informal recreation, and as such its economic value was not necessarily threatened by walkers (Lowerson, 1980). Of course contemporary agricultural policy is reworking the status of some use rights - economic benefits are now there to be had for landowners eligible for a range of incentive/support schemes (see Chapters Two and Four) which exist not only to provide environmental benefits but also to extend public access.

The rise in demand for using the countryside for recreational purposes placed certain areas under considerable pressure. The Peak District, for example was becoming increasingly crowded over the areas in which access was then permitted during the inter-war years (Rothman, 1982; Blunden & Curry, 1990). This situation was compounded in some areas by the attitude of some landowners (again notably around the Peak District) who enforced their right to deny the public access to their land. Many who owned open land curtailed *de facto* access in order to establish and maintain their land for hunting, shooting and fishing purposes (Donnelly, 1986; Thompson, 1975). The increase in use for mass recreational purposes by the wider public must have alarmed local landowners. Rothman (1982:p12) documents this situation in the Peaks:

"Weekend and holiday camps in the country grew year by year both in numbers and in popularity. Young people were escaping from the squalor and monotony of the towns on bikes and on foot, but as the numbers of cyclists and ramblers grew new problems arose. The popular footpaths of the Peak District soon became morasses and quagmires in wet weather. The feeling of being close to nature receded as the crowds grew, and ramblers looked longingly at the acres of empty peat bogs, moorlands and the tops, which were forbidden territory."

While this quote may overstate the case somewhat, landowners around the Peak District were enforcing quite rigidly their rights of exclusion, especially where the use of the land for recreation was likely to be detrimental to grouse nesting or other such profitable enterprises. The example of the Peak District of the 1930s shows the fine line that can exist between acceptable and unacceptable land use and the contingency of public use within the property rights structure of the time. *De facto* access provision within the present structure of property rights is dependent on the attitude of the landowner towards public access.

#### *v. The Role of the Judiciary and Land Law*

Landowners can enforce their rights claims at any time over *de facto* access. Therefore, the public has to play by rules set by power holders: in some instances these are private landowners, the State or agents of the State. It is normally argued that the right to exclusivity of use is cardinal in the bundle of rights which constitute the Lockean Liberal conception of private property rights (Denman, 1978; Munton, 1994). The construction of land law reserves the right of landowners to exclusive use of their land. This conception holds the doctrine of possessive individualism as central to a property owning society (Honore, 1961). To relinquish this facet of ownership would be a fundamental change of character in the putative private property rights structure. The cultural expression of this attitude is exemplified in phrases such as 'an Englishman's home is his castle' an attitude which is reflected in current policies, practices or legislation such as *Neighbourhood Watch* and *Farm Watch*. The protection of private property rights is culturally strong and has been further encouraged in recent years (see Chapter Four).



The transference of rights over land (as citizenship rights) to rights in land (as private property rights) over time has importance for identifying policy areas that reinforce or depart from the particular course of development which citizenship rights and private property rights have taken since the Agricultural Revolution. It is important to mention the facets of property ownership that are commonly identified as constituting the 'bundle of rights' often referred to in texts concerning property. Honore (1961:p112) makes reference to eleven 'incidents' of property that are deemed to be necessary for 'full liberal' ownership of land to be existent viz; the right to possess, the right to use, the right to manage, the right to the income, the right to the capital, the right to security, the incident of transmissibility, of absence of term, the prohibition of harmful use, liability to execution and the incident of residuary. Many of these are not directly relevant here; however the historical legacy of the agricultural revolution and the features of the process of change in rural land use is one which left the general population having 'traded-off' potentially flexible land use. These tenets have, over time, become firmly embedded and legitimised. The implications for the use of land for informal recreation is, in hindsight, clear and before long challenges to the new order did develop. These challenges are discussed below in Chapter Two and citizenship rights are discussed in Chapter Three.

The circumstances under which dominant interpretations of rights claims are challenged are intensely political. The challenges which have been made against excluding public access concern social rights. Where and how certain rights are rolled back and new ones introduced as social, historical, economic or political circumstances alter, is problematic. The emphasis that the judiciary give, in terms of citizens rights, to the protection of private property rights (over social/cultural rights) is part of the historical development of the legal framework. This means that the individual claim is protected or favoured over or against the general claims. The individual who is *legally* occupying the land is protected. The interpretation and



support of the Judiciary has been crucial in developing and then maintaining a certain conception (and therefore distribution) of citizenship rights. When this conception becomes outmoded then the development of a distribution of rights which reflect the most equitable outcome for the whole of society becomes a responsibility of government (Becker, 1977; Bonyhady, 1987).

The methods and processes which shape and influence the nature of rights is varied. Often it is through public pressure and public demonstrations that socio-political change is asserted. Historically the issue of public access to land has provided examples of public protest and attempted 'participation' in predefined political processes. Contemporary protest over land and protest/participation in the political process of gaining access to land forms one of the main threads of the thesis. The most recent example of State intervention in shaping the way in which such protest can take place is the introduction of the Criminal Justice and Public Order Act 1994 which, amongst other controversial effects on rights, criminalises trespass, thus causing a furore of opposition. The theoretical issue of power, and the influence that power holders exert, is dealt with more fully in Chapters Three and Four.

#### 1.4 Conclusion

The various attempts to alter the *status quo* in the countryside relating to rights of access have, almost without exception, exhibited facets of arguments over: the proper form and content of private property rights and, as intimated above less explicitly, those concerning various types of citizenship rights: the development of rights and responsibilities which are notionally common to all. The tension occurs between rights holders and rights claimants in the development of rights and the legitimisation of rights claims over social citizenship rights where they may conflict with pre-established elements of civil citizenship, most pertinently concerning civil rights *per* property rights. There exists the general difficulty in constructing rights systems that enable one set of rights which empower one set of people without disadvantaging

another set of people. The 'middle way', between forms of moral puritanism and libertarianism, is envisaged by the Communitarian agenda. However this too has difficulties of incorporation and is open to criticism as another form of Majoritarianism (see Etzioni, 1993).

It is true, however, that these types of arguments were neither aired fully nor set out in such a way which could be clearly distinguished as a political struggle concerning issues deeper and more fundamental than access to the countryside *per se*. The issues underlying the policies described and legislative proposals regarding public access to the countryside are rooted in deeply political, if modernist, notions of equity, justice, liberty and equality. By analysing these historical phenomena with these types of notions foremost, it is anticipated that the political and theoretical legacy of those events can be indicated more explicitly. It is argued here that those types of notions may no longer be adequate or academically justifiable positions from which to argue for changes in the provision of countryside access. There are those who would wish to maintain, extend and reinforce certain outcomes in the interpretation of rights and those who would rather see some, if not all, of those outcomes and tenets of ownership altered. This tension renders the discussion over the development of countryside policy in the 1990s such a political one. There are so many justifications for and against various policy options; conflicting interpretations of history, of economic need, of social relevance and of political acceptability. The prescription of remedy in this context is fraught with danger. It is the search for alternative forms of legitimation which leads this thesis to turn to rights theory and the analysis of citizenship rights in this context, as discussed later.

In the next chapter, the development of rights in the countryside and current policies are analysed both in the light of past history and in contemporary social, political and economic circumstances. Rather than 'bolshevik' direct action against dominant property rights, the post-war period has witnessed large scale social and economic

change and the response of the public and the State is outlined in Chapter Two by analysing the institutionalisation of countryside access and the provisions made for countryside access and recreation, by the State and as a corollary, concessions made by landowners in this process.



## Chapter Two

### *The Institutionalisation of Countryside Access*

"The laws relating to footpaths and public access are intricate...we owe a great deal to the kindness of many landowners who are prepared to add to the pleasure of the town dweller by granting as a privilege what they cannot grant as a right."

*The Countryside and How to Enjoy it.* (S.P.B. Mais, 1948:p57-58)

## **2.0 Introduction**

This Chapter sets out the main legislation and policies, developed principally since the inter-war period, which have been designed to provide countryside access opportunities in the English Countryside. The Chapter analyses these institutional changes in relation to their effects on rights distributions and their political and economic underpinnings. This chapter provides the context for the analysis of the development of citizenship discussed in Chapter Three and the way in which citizenship has developed and been conceptualised in the countryside in contemporary times.

## **2.1 Parliamentary Challenges and Access Rights pre-1949**

Interventions in land use issues, especially access to land, can elicit partisan tactics from both landowners and the access lobby in order to protect and enhance their interests (Ambrose, 1986; Norton-Taylor, 1982). The way in which so many Parliamentary Bills concerning land were thwarted and, as discussed in the following chapter, the catalogue of policy constraint and compromise regarding access to the countryside, illustrates the high level of corporatist intervention in the machinery of Government. Denman (1978:p38) argues that "...the property power is the only positive power and the holders of it the only decision-makers equipped to take action". The formal focal-point for such resistance to change is in Parliament. The presence of a large number of landowners in Parliament, in both houses, is indicative of the power of vested interests influencing policy regarding (rural) land use (Norton-Taylor, 1982;

Etzioni, 1993; Simmie, 1974; Ambrose, 1986). The types and extent of policy change is illustrated below.

### *i. Early Parliamentary Challenges*

The late nineteenth Century had heralded many Parliamentary Bills which sought to extend access provision. The first by James Bryce, an Open Spaces Society member, in 1884 sought to allow public access to mountains. During the late nineteenth century various Acts of Parliament were passed, ostensibly, to ameliorate urban conditions. There was also legislation to curtail enclosure; for example the 1876 Commons Act. However little was done positively to provide for open access to the countryside. Nineteen 'access' bills were put to Parliament between 1884 - 1938, all of which failed. The period culminated in a 1938 Bill presented by Arthur Creech-Jones which sought to provide access to uncultivated land. This Bill emerged in a much altered state as the 1939 Access to Mountains Act and in many ways this legislation strengthened the hand of the landowners rather than the rights of the public. The Act contained 14 possible offences which set fines and imprisonment penalties for transgressors (Blunden & Curry, 1990; Cherry, 1975; Stephenson, 1989). The most hurtful amendment, for the access lobby, was the Trespass Clause which enabled landowners to prosecute trespassers even if no damage was done. In many ways the Act was a hollow victory for the public, and was considered to favour landowners rather than the recreationists for whom it had been intended. It was, in any event, never really put into effect - the Second World War nullified its implementation and subsequently the National Parks and Access to the Countryside Act (1949) repealed its measures.

This experience demonstrated to the access lobby generally, that the hunting and landowning interests in Parliament were still very powerful in their opposition to any alterations in (rural) property rights. The passage and alteration of the 1938 Bill exemplifies the power and reticence of the land lobby in matters which affect land



rights (Norton-Taylor, 1982). The ability of the lobby to maintain a *status quo* regarding countryside access has persisted with all of the subsequent legislation described below. Each Act of Parliament underwent stringent challenges and amendment involving the provisions regarding access to land so that most of the priorities of the land lobby were preserved.

One of the only pieces of legislation extending access rights for the public, emerging before the 1949 National Parks and Access to the Countryside Act, was the 1925 Law of Property Act into which an Amendment Clause (s.193) was introduced. This alteration improved the provisions of the Metropolitan Commons Act of 1876 and the Commons Act of 1899. The clause provided a mechanism for providing qualified public access to commons in urban and metropolitan areas (Cherry, 1975; Open Spaces Society, 1987). The 1925 Act represented a precursor to the modern Access/Management Agreement, since it enabled landowners to grant a deed of access over rural commons in return for better controls over 'anti-social activities' (Open Spaces Society, 1987; Shoard, 1987).

## *ii. The Inter-War Years: Access and 'A Land Fit for Heroes'.*

With the end of the Great War 1914-18 Lloyd-George's political slogan of Britain becoming 'A Land Fit For Heroes' had broad appeal and contained a wider set of repercussions for the structure of post World War One society. Apart from the obvious wish to improve some of the most blatantly poor social conditions of the working classes, such as slum housing and high unemployment, the phrase aroused an expectation of better lifestyles and a more equal and 'fairer' society. The types of changes which were to develop involved the increase of State intervention, the beginnings of the Welfare State and passing of the first Planning Acts. Thus, a fairly radical shift away from the nineteenth century *laissez-faire* attitude of Government (Cox, 1984; Mingay, 1994) took place. An element of this expectation was the ability



to enjoy the nation's heritage. This, in its turn, involved a greater demand for countryside access.

The way in which Lloyd-George's maxim aroused the expectation and desire of the people who had suffered during the War and were continuing to do so into the thirties also had some alarming potentialities for the landowning class and the 'Establishment'. The idea that people had fought for 'their' land alarmed landowners and alerted the public to the apparent inequity which restricted access to land for recreational purposes (Clarke & Critcher, 1985; Rothman, 1982). This set the scene for many legislative challenges to the interpretation and structure of private property rights and the control of land use, through the enactment of progressive legislation, such as the 1947 Town & Country Planning Act, in the period following the War.

### *iii. Planning for a New Era: the Reports and Legislation*

The 1930s and 1940s witnessed a flurry of reports concerning land-use and the countryside. The profusion of reports, shown below in Figure 2.1, concerned varying aspects of land-use and marked a significant governmental review of the way land was used and its relationship to the population.

The committees and reports during the 1930s and 1940s concerning land issues were all helping to shape the planning of post-war reconstruction. In land-use planning terms the planning framework of the 1947 Town and Country Planning Act represented a major watershed, containing as it did measures forged through the post-war 'consensus' to regulate development. It included the nationalisation of the right to develop land or change its use and the recoupment of the betterment value of development land by the state (Thornley, 1993; Cullingworth, 1994). The 1947 Act omitted many aspects concerning countryside planning and exempted agricultural land from planning control. It concentrated instead on (urban) development planning matters. The system has largely remained in place to the present although with

alterations and changes in priority and emphasis. Arguably the main components of the system have remained because they assist capital accumulation, and restrictive planning helps stabilise and maintain land and property values (Marsden *et al*, 1993). As Gordon Cherry comments in response to Cullingworth:

"Abercrombie's generation saw planning as a State system for shaping both society and the environment to some broadly agreed ends; today, when there is little consensus to planning, it is used more (by powerful interest groups) to stop things happening."

(Cherry commenting in Cullingworth, 1994:p292)

Figure 2.1 The Salient Reports of the 1930s and 1940s Concerning Land Use.

Topic/Remit	Chair/Committee.	Date
Desirability of National Parks	Addison /N. P. Cttee.	1931
Preservation of the Countryside	Plan. Advisory Cttee.	1938
Distribution of Industrial Population.	Barlow	1940
Land Utilisation in Rural Areas	Scott	1942
Control of Land Use	Uthwatt	1944
National Parks in England & Wales	Dower	1945
National Park planning/review	Hobhouse	1947
Footpaths (sub-cttee)	Hobhouse	1947
Conservation of Nature (sub-cttee)	Huxley	1947

The various competing interests for the 'best' use of the countryside in the inter-war period conspired to assist the landowning lobby in its attempts to resist fundamental change in the distribution of rights in the countryside as Cherry (1975:p 161) refers to when summarising the progress of the National Parks lobby:

"Thirty years' history of National Parks provide us with insights into the formulation and execution of this one aspect of British land use and environmental planning. It is a tangled tale of compromise and expediency set against burning idealism and single minded purpose. The performance of Government comes out clearly: to legislate for community needs, to protect minority rights, to enhance the public good, to respond to change, and to balance national



against local interests. In this situation we should not expect determined pursuance of single objectives over a long period of time".

It was Ramsay MacDonald who set up an initial investigation into the joint issues of countryside conservation and recreation and National Parks in 1929 - the Addison Committee. The prompts for the Addison Committee were in part the responsibility of the lobbying of the Ramblers and various scientific bodies, squaring up against each other with diametric views on the primary function of a National Park. The conclusions of the Addison Report, set out in 1931, stated that National Parks could be facilitated through planning schemes initiated by local authorities (Addison Report, 1931; Cherry, 1975). The notion that National Parks should be and could be established in principle was a major step forward for the interests in favour of National Parks as a means to help improve countryside access.

The next report, published during World War Two and relevant to the access debate, was the Report on Land Utilisation in Rural Areas chaired by Lord Justice Scott. The findings of the Scott Report were presented in 1942 and not surprisingly (considering that the committee met at a time of war), rural, and specifically agricultural, land was viewed as being sacrosanct in the drive towards self-sufficiency in farming and crop production; one of the clarion cries of the time was 'every acre counts'. The minority report of the committee, produced by Professor Dennison, voiced some concern over those views and recognised the need in the long term for a more varied rural economy in order to ensure a more stable and secure rural employment base with the linked outcomes for rural society (Curry, 1993; Cherry, 1975).

Income from leisure and recreation have appeared as obvious sources of alternative income for the rural economy. Both the main report and the minority report from Scott recognised the principle that the countryside was the heritage of all. The implication is that some provision for increased access should be included in future plans in order that the heritage of the nation could be shared by all. The main Scott



report asserted that non-intervention in the countryside was the way to proceed, thus leaving a planning legacy that persists now. Blunden & Curry (1990:p43) note that: "They also provided the preservationists and non-interventionist inheritance for the countryside in the planning system that we have today." Curry (1993) used the theme and 'looked back in anguish' at the route taken in countryside planning following Scott in 1942, noting how in hindsight, the words of Dennison had proven indeed wise.

The Dower Report, presented by John Dower in 1945, was a comprehensive amalgam of reports which he had prepared for the Ministry of Works and Planning over the previous few years (Cherry, 1975). His work outlined, what proved to be, the foundations and extent of the National Parks programme for England and Wales. Dower proposed a separate National Parks Commission to administer to the Parks - a desire which has not been fulfilled to date. The National Parks and the National Parks Commission had to cope with the demands of both the conservation and the recreation lobbies. This view differed from the line taken by the Addison Report of 1931. The committee investigating then decided that the two functions required separate parks to fulfil those seemingly disparate purposes effectively (Addison Report, 1931). As it stood, the Dower Report aroused a deal of controversy and it was only after the election of a Labour Government in 1945 that many of Dower's proposals were considered viable (Blunden & Curry, 1990). As a consequence of the Dower proposals the Hobhouse Committee on National Parks was appointed to refine the ideas and suggestions within the Dower Report. The most progressive of the resultant recommendations, made in 1947, was the acceptance of the claims of the various Ramblers' and other access groups. It recommended for open land:

"...that the public shall have the right to wander at will over their whole extent, subject only to a minimum of regulations to prevent abuse, and to a minimum of excepted areas where such wandering would clearly be incompatible with some other necessary use of the land."

(Hobhouse Report ,1947 quoted in Cherry, 1975:p63)

The chairman, Sir Arthur Hobhouse, was persuaded to allow a sub-committee to be set up in order to deal specifically with wildlife conservation, a possible obstacle to expanding access provision. This committee was chaired by Julian Huxley and was instrumental in the birth of the Nature Conservancy Council by Royal Charter in 1949 it is now *English Nature*<sup>1</sup>. In addition another sub-committee was set up specifically to research 'Footpaths and Access to the Countryside' and was also chaired by Hobhouse. It set out to consider the rights of public access within National Parks and over other suitable land. The subsequent recommendation of the special committee was that a right of public access should be given automatically on all uncultivated land, mountains, moor, heath, downs, cliff, or foreshore, whether privately owned or not. They also worked on methods to secure this objective (see section 2.2 below).

The main committee stuck to the original terms of reference involving the nature of National Parks. Their recommendations did not depart significantly from those of the Dower Report, however they did alter the lists of suggested sites for park status, trimming Dower's list from 22 to 12 possible locations (Cherry, 1975). Both the Dower and the Hobhouse reports supported the fundamental policy switch that access could be granted generally and that the onus be placed on the landowner to show good reason why land should be exempted from a general right of access. The Hobhouse report quoted in Cherry (1975:p65) concluded in its recommendations that the following arrangement was desirable:

"... a scheme for the protection of landscape and the encouragement of open air recreation in the wild and unspoilt country of England and Wales which will be a great national investment, yielding unlimited return in health and happiness in opportunities for the development of country pursuits and interests and in a new growth in understanding between town and country."

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<sup>1</sup>In 1994 proposals were made to merge English Nature and the Countryside Commission, these proposals were fought off by the Commission and the access lobby who feared that the amenity objectives of the Countryside Commission would become subordinate to the conservation objectives within a joint authority (Ghazi, 1994).



The reports, shown in Figure 2.1, had been shadowing the Planning Acts of the 1930s and 40s, and most significantly the long awaited 1947 Town and Country Planning Act. However it was the 1949 National Parks and Access to the Countryside Act which came to represent the culmination of the reports and the efforts of the countryside lobby.

## **2.2 Balancing the Interests.**

### *i. The 1949 National Parks and Access to the Countryside Act*

The advent of the 1949 Act promised a new era for the way in which the countryside would be used and regulated. The State, through the passage of legislation and the operation of local authorities, began to take a lead in the provision of countryside recreation facilities. The most important Acts of Parliament to dictate policy and the way the countryside was used for recreation were the 1949 National Parks and Access to the Countryside Act and the 1968 Countryside Act. It is the background to these pieces of legislation that is discussed here.

The 1949 Act was passed after a prolonged period of discussion and negotiation over a period of several years. The political wranglings involved in the story of the Act are telling of the power that the land lobby marshalled in opposition to the proposed legislation. Between the two World Wars there was a great deal of political activity concerning aspects of the use of the countryside.

The 1949 Act was, in the final analysis, forged from compromise and the Minister responsible, Lewis Silkin then Minister for Town and Country Planning, is said to have been largely responsible for the 1949 Act reaching the statute book (Cherry, 1975). However the initial notion envisaged by him of buying up large areas of land as public space evaporated during the passage of the Bill through Parliament. Before the Bill entered the house, Hugh Dalton, the then Chancellor of the Duchy of Lancaster had promised a £50 million land fund to enable land acquisition (*Ibid*).



These funds never appeared and the Bill, upon enactment, contained a much watered-down version of access provision than had been originally been intended by Silkin. At the beginning of the process he had intended a 'right to roam' over open land. However by the time the Bill reached parliament he was expressing a quite different opinion: "A person's land is his land and I think it is wrong to give the public an automatic right to go over all private land of a certain character" (Lewis Silkin quoted in Blunden & Curry, 1990:p129). The reasons for the change of policy direction or commitment have been identified as three-fold. Firstly that there was pressure from within the Labour party especially the Treasury, secondly that there had been intensive lobbying from the landowning interests and thirdly, there had been pressure from the preservationist lobby to curtail such ambitious plans (Cherry, 1975; Shoard, 1987; Curry, 1993).

The Act finally contained several main provisions relevant here; the National Parks programme, Access Agreements/Orders and the Definitive Map procedure (see Riddall & Trevelyan, 1992). Over the following decade ten National parks were designated, the first being the Peak District in 1951. Subsequently the Norfolk Broads (1989) and the New Forest (1993) have gained National Park status<sup>2</sup> to bring the total to twelve National Parks in England and Wales. The establishment of the last two areas helped offset criticism based on the unequal geographical distribution of the parks across England.

The concept of the Access Agreement was the compromise reached at Parliament in order to attain areas for public access. The Access Agreement mechanism works on the voluntary principle whereby consenting landowners allow public access in return for payment. The access is licenced under such agreements. The power to order such access was also included in the legislation, the ability to compulsorily obtain access rights, using Access Orders, was vested in local authorities. Since their inception

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<sup>2</sup> Without the two areas actually being called National Parks.

Access Agreements and Orders have not been taken up widely by local authorities and landowners and have come to be regarded as a failure in providing widespread public countryside access. By 1989 land under Access Agreement/Order totalled 34,000 hectares, with a large proportion of this (approximately 80%) being located in the Peak District (Shoard, 1987; Curry, 1994). New incentive scheme policy vehicles which contain 'access agreement' components are currently being taken up relatively enthusiastically by the landowning community and are discussed below in Section 2.3.

The main provision in terms of rights of way was the establishment of the mapping of all rights of way onto what is termed the 'definitive map'. Each local authority was charged with the responsibility to draw up such a map for their own area. This involves all rights of way being registered so that all parties are aware of the existence of a right of way and so that rights of way would not be altered or lost without due consideration as to their merit. The Act also established the long distance route several of which have now been designated notably the Pennine Way, Offa's Dyke Path and the South West Coast Path.

After the passing of the 1949 Act there was a period of settlement and expectation while the new Act was implemented. With the National Parks being set up during the 1950s there was little new policy other than that which had been enabled in 1949. In 1958 the Royal Commission on Common Land was set up, leading eventually led to the Commons Registration Act of 1965. The Act introduced a similar system of registration for common land to that applied to rights of way:

"...the Royal Commission advocated a system of registration for commons, formalised plans for the management of registered commons and a public right of access for quiet enjoyment and recreation. The Commons Registration Act fulfilled the first of these recommendations, but the latter two are still being debated three decades later."

(Ravenscroft, 1992:p142)



The Commons Registration Act was found to have several loopholes allowing landowners to enclose common land and thus avoid registration and even though the Common Land Forum of 1986 agreed to press for common land legislation there has still been no activity on the part of government at the time of writing (refer to Chapter 6). During the 1950s and 1960s there was an explosion in car ownership and a 'baby boom' these social changes, amongst others, prompted concern from some quarters that there would be increased pressure on the countryside as a leisure resource. These developments fuelled calls for action to be taken on recreational provision.

*ii. 'The Countryside is Good for You': the 1968 Countryside Act.*

The Countryside Act of 1968 was in part a statute to remedy some of the perceived problems arising from the 1949 Act and secondly to address the notion of a 'fourth wave' of leisure, envisaged by Michael Dower in 1965, whereupon more people would use the countryside during their leisure time and as their mobility increased (Dower, 1966).

The 1968 Act followed from the 1966 White paper 'Leisure in the Countryside'. The 1968 Act contained a policy sea-change in terms of the methods of delivering countryside recreation and the underlying philosophy of the legislation. The ethic proclaimed in this period was 'the countryside is good for you' (Curry, 1994; Cherry, 1975). It is suggested here that the Countryside Act had a negligible effect on rights distributions in relation to countryside access. The Act simply required Local Authorities to ensure that adequate recreational opportunities existed in their area: a clause open to very wide interpretation.



**Figure 2.2 Main Legislation Affecting Countryside Access Provision 1876-1994**

Date	Title	Main Provisions/Impact
1876	Metropolitan Commons Act	Access to metropolitan common land
1925	Law of Property Act	Access to some common land
1932	Rights of Way Act	Dedication of rights of way
1938	Access to Mountains Act	Qualified access to some open land
1949	Nat. Pks. & Access C'side Act	Nat. Parks, Access Ag'ments, Def. Map
1965	Commons Registration Act	Registration of Common Land
1968	Countryside Act	C'side Commission, Country Parks
1980	Highways Act	ROW provisions
1981	Wildlife & Countryside Act	Management Agreements
1990	Rights of Way Act	Reinstatement of ROW
1994	Criminal Justice & Public Order Act	Criminalises trespass

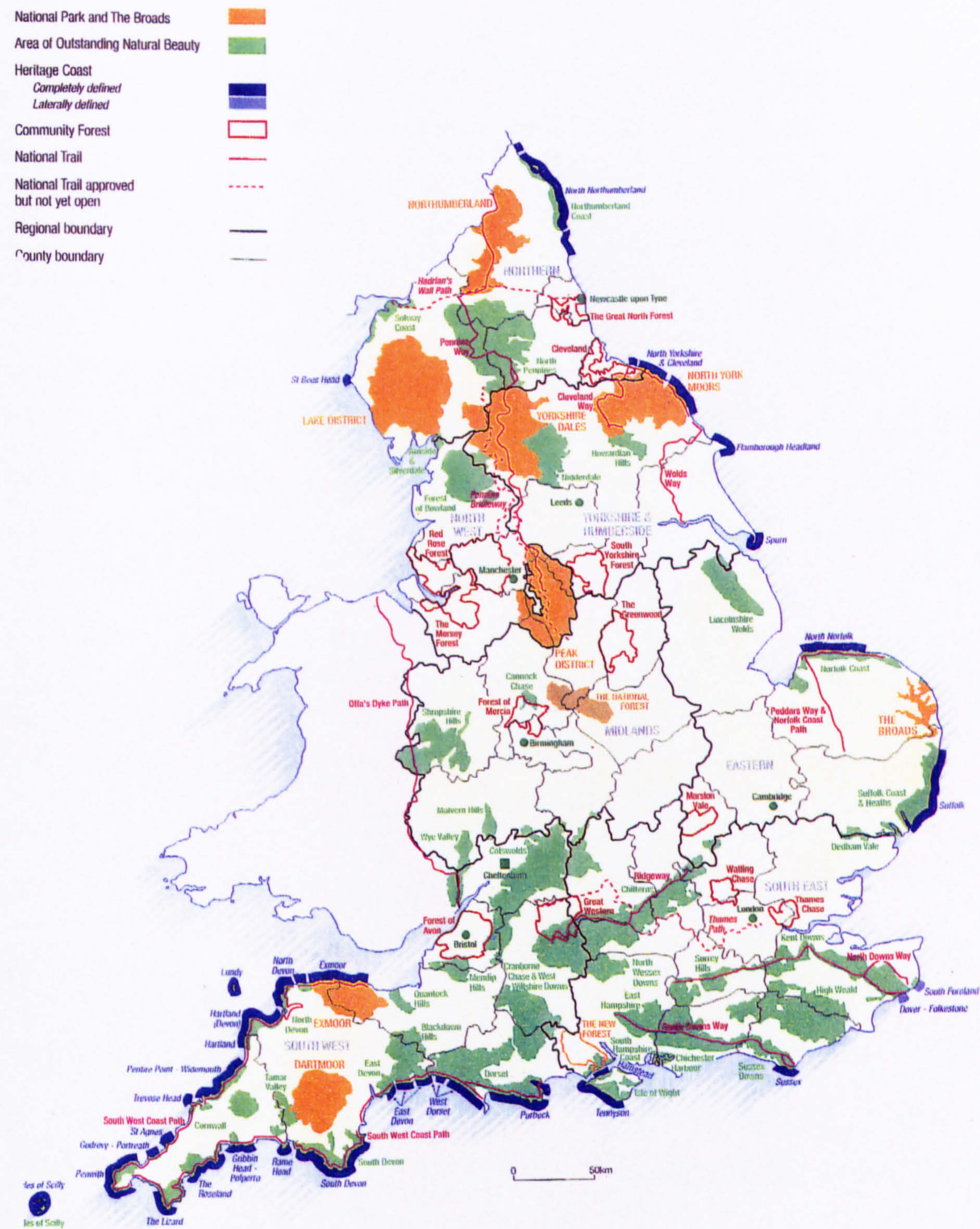
The policy direction of the Act aimed to provide sites for recreation into which people could be funnelled and their activities then controlled. These sites were, of course, Country Parks. Countryside recreation was already problematised as a potential threat to the countryside by the conservationist lobby. This site-based approach was designed to contain the population and satisfy the conservationist lobby. It was a 'honeypot' solution, whilst proclaiming that the countryside is good for you and supporting the notion of increased countryside recreation, it was still operating within constraints of finance, the availability of land and the political will of local authorities to provide sites. However, by 1990 over 220 Country Parks had been established in England and Wales (Waugh, 1981; Harrison, 1991). Country Parks have been criticised because they are not easily accessed by minority or marginalised groups such as non-car owners. One of the reasons that rights of way have become prioritised is that the network can allow people to begin and end their journey on foot without

recourse to other means of transport which entail cost, time and increasingly, the associated environmental implications.

The other main alteration to the administrative arrangements in the countryside was the establishment of the Countryside Commission under the 1968 Act, replacing the National Parks Commission, with extended responsibilities and finance in England and Wales (the responsibilities for countryside matters were split up in 1990/1 when the Countryside Council for Wales was formed). The Countryside Commission now concentrates on countryside matters within England only. Its remit is to advise on the amenity of the countryside with twin objectives of landscape protection and the promotion of public enjoyment of the countryside. The Countryside Commission and its policies come under particular scrutiny in Chapter Seven, see Figure 2.3.



Figure 2.3 The Countryside Commission's Designated Interests





### *iii. Rights of Way in the Post -War Period*

The main focus of attention in the immediate post-war period was on National Parks and their establishment. Attention then moved on to site provision in the 1970s. During the 1980s and now in the 1990s attention has turned to rights of way. In the last ten years or so rights of way have become one of the top countryside recreation priorities for government and the Countryside Commission. In the Countryside Commission's Recreation 2000 policies published in 1987 the Commission set a target that all rights of way should be open and signposted by the year 2000. The consideration of the rights of way network was part of the overall strategy to improve public access opportunity throughout the countryside. Progress on the Definitive Maps, set up in 1949, has proved complex with some Highway Authorities still without a complete record of all of their rights of way (Countryside Commission, 1987;1989; see Chapter Six). In fact a national survey, *Milestones*, has been recently conducted to assess the condition of the rights of way network (see Countryside Commission, 1993b; Ravenscroft *et al*, 1996).

The prioritisation rights of way involves an interesting shift in policy away from sites provision and the extension of open access opportunity. Concentrating instead on improving and consolidating *de jure* rights of access. The countryside access policy head of the Country Landowners Association (CLA), in an interview (CLA representative, interview 53) concerning Countryside Access Liaison Groups, actually admitted that the push towards rights of way as the main policy effort, on the part of the CLA, was to divert resources and perhaps more importantly public pressure away from calls for 'the right to roam' or developments involving 'free' access (see Chapter Six). The concentration on *de jure* rights in the countryside, rather than socially motivated provision and the maintenance or extension of *de facto* rights, epitomises the political project and consequent construction of citizenship of successive Conservative governments over the last seventeen years. This is analysed more fully in Chapters Three and Four.

The political ideal of achieving a 'land fit for heroes' was a potent piece of political rhetoric, a populist message which brought the aims of the Labour Party into prominence and eventually into power (Blunden & Curry, 1990; Hill, 1980). Looking back over the last seventy-five years or so there have been many social and economic changes: Labour party governments between 1924 and 1979 strove to bring about a more equal and free society, however many institutional obstacles to the socialist project which were in place long before the Great War, still remained (Hutton, 1995). In 1979 a new Conservative government was elected the following policies and legislation have all been introduced by successive Conservative administrations.

*iv. Management Agreements and the 1981 Wildlife and Countryside Act.*

The Wildlife and Countryside Act was introduced by the incoming Conservative Government following the preparation and then fall of the Labour Countryside bill in the wake of the general election of 1979 (Shoard, 1987). The main provision in the Act, of interest here, was the creation of the Management Agreement - a refinement of the Access Agreement - applied primarily to conservation practices rather than public access. This provision was a response to increasing concerns over the environmental damage caused by the use of intensive agricultural methods (Cox *et al*, 1988). The main application of the Management Agreement was to pay the landowner/farmer compensation for not causing environmental damage.

"The Wildlife and Countryside Act...brought fully into focus the root causes of the conflict between farming practice and environmental protection. These concerned the fluctuating boundaries between public and private rights in rural land and the price 'tags' placed on those rights through compensation payments to landholders..."

(Marsden *et al*, 1993:p82-83)

In terms of public access the agreements could entail access elements to improve or simply maintain *de facto* access (Curry, 1994; Marsden *et al*, 1993). The voluntary principle is continued via these agreements and, as discussed in section 2.3 below, provides the stepping stone from the access agreement into the integrated

Environmental Land Management schemes developed in the late 1980s and early 1990s.

*v. The 1990 Rights of Way Act*

This is the most recent piece of legislation concerned specifically with public access. The Act deals primarily with the reinstatement of rights of way after disturbance i.e. after ploughing or during crop growth. The Act came about quite by chance when Conservative MP Edward Leigh had the opportunity to present a Private Members Bill. He chose to adopt a Bill concerning rights of way after constituency pressure from a particularly determined 'active citizen' (CALG Interviews: Country Landowners Association interview, 53; Countryside Commission interview, 54; P3 interview: Countryside Commission interview, 56). By coincidence the Rights of Way Review Committee (see Chapter 6) had been preparing guidance on the provisions appropriate to ensure that landowners and farmers reinstated and maintained rights of way on their land. The Act represents one of the only prohibitive clauses regarding landowners and public access since the 1949 Act (see Figure 2.4, below).



Figure 2.4 Reinstated Cross-field Footpath, Hampshire





## 2.3 Integrated Environmental Policies and the Development of Countryside Access Provision in the 1990s

### *i. The 1986 Agriculture Act*

The role of agriculture and the agricultural lobby cannot be over-emphasised in the development (and limitation) of recreational opportunity in the countryside. The entry of the UK into the Common Market, now the European Union (EU), in 1973 marked a step towards a new era for agriculture. It became clear quite rapidly that Europe was over-producing many outputs and the Common Agricultural Policy (CAP) had serious structural flaws. As a result the CAP was reformed in 1992, following the McSharry proposals (see Winter, 1996). Throughout the late 1980s, and now into the 1990s, policies designed to make agriculture and rural land use more robust and able to cope with market realities were being instigated.

It was the 1986 Agriculture Act that formally introduced the policies designed to encourage alternative land-use (other than agriculture) in the countryside, ostensibly to steer land-use around to address market demands and thus reduce politically and economically embarrassing outputs of food and fibre. These policies were designed to encourage diversification, satiate claims from the environmental lobby and, to 'improve' levels of public access to land. Recreation in the countryside was an obvious target activity for policies encouraging diversification or extensification in agricultural land use. Curry (1994) points out much had changed since 1973 when the House of Lords select committees on sport and leisure regarded recreation in the countryside to be a threat to the agricultural industry. Incomes derived from consumption functions had begun to be accepted as increasingly necessary in the agricultural community. Section 17 of the 1986 Act outlines the policy stance carefully:

"...have regard to and endeavour to achieve a reasonable balance between...the agricultural industry...economic and social interests in rural areas...conservation...and promotion of the enjoyment of the countryside".

The Conservative administration was tentative in its development of 'free' market policy in the countryside, this was not surprising considering the sway of the land and



agricultural lobbies, but it did mirror some of the necessities and realities that the market faced: the globalisation of markets, the need to address rural depopulation and job loss, to satiate claims from the environmental lobby and to 'improve' levels of public access to land following pressure from the amenity groups.

One of the policy thrusts that emanated from the Act was the Alternative Land Use in the Rural Economy (ALURE) proposals of 1987. ALURE included the development of diversification schemes and the encouragement of 'alternative land uses' on agricultural land, ostensibly to steer land-use around to address market demands and to encourage diversification. This helped set up a scenario in which methods of supplementing traditional agricultural incomes was positively encouraged<sup>3</sup>. The ALURE package was viewed at the time as a politically expedient package helping to 'Green the Tories' in preparation for the 1987 general election (Cloke & McLaughlin, 1989; Sullivan, 1985). The Conservative Party was conscious of the value of green votes in the late 1980s following a large swing towards the Green party in the European elections of 1985 and the persistent lobbying of environmental groups. Winter (1996) identifies the Council for the Protection of Rural England (CPRE) as one of the main pressure groups who had influenced government at the time. However the CPRE's interests were not only in terms of 'greening the countryside':

"The CPRE is by no means a radical organisation, either in terms of green or leftist tendencies or for any commitment to the radical liberalism of market conservatism. It is, moreover, firmly based in the shire counties with strong links to the farming community. Its critique of agricultural policies, therefore, firmly rests upon adapting traditional interventionist policies to support farming."

(Winter, 1996:p226)

This stance was reflected in the 1986 Act. It did mark a significant departure from previous policy styles in agriculture (cf. the productivist 1947 Agriculture Act) but, while the Act was not directly aimed at countryside access provision, its implications for access have been quite marked. The underlying aim of Government, and the

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<sup>3</sup> See; Ilbery, 1992 for a more detailed commentary on the 1986 Act and the ALURE proposals

European Union generally, was not only to introduce greener agricultural production but also, to rectify the imbalance between food and fibre production and global demand (Ilberry, 1989; Cloke & McLaughlin, 1989; Curry, 1993).

## *ii. The Incentive Approach*

The methods employed throughout the 1980s to control agricultural outputs and latterly the limitation of inputs have included voluntary incentive schemes (Hodge, 1991; Curry, 1993, 1994). The development of such new policies designed, putatively, to provide environmental benefits over agricultural land has been progressing over the last ten years, with Environmentally Sensitive Areas (1987) being the first of the raft of such policies, known generically as *Environmental Land Management schemes* (ELMs) (see MAFF/DoE, 1995). The concept of *cross-compliance* (see Bromley, 1990; Batie, 1984) has been applied to these policies, notably the Countryside Commission/Department of the Environment policies developed in the late 1980s. Many of the schemes are *integrated*, aiming to provide a range of environmental benefits. In relation to countryside access the Countryside Commission envisaged that cross-compliance would entail:

"By cross-compliance we mean, in this context, attaching access conditions to voluntary payment schemes designed to enhance the landscape or wildlife interest of land. In this situation, the additional benefit or protection that cross-compliance confers is neither directly rewarded, nor mandatory."

(Countryside Commission, 1994:p4)

The concept of cross-compliance, then, can be summarised as the integration of differing objectives into one multi-faceted policy. In general terms the Countryside Commission set out cross-compliance as a means by which environmental or other management requirements (such as public access) are stipulated as part of a package in order for payments to be made in relation to other policy objectives (Countryside Commission, 1993).



The development of this type of policy enables farmers to receive compensatory payments for notional profits foregone. The schemes are numerous but share a common set of purposes and effects. The aims are twofold, the first implicit, to support farmers incomes in the face of reduced food and fibre outputs and secondly, explicit, to encourage environmentally friendly forms of farming such as limiting the use of chemical inputs, preserving/reinstating habitats/landscapes. Of interest here are the ELMs that provide public access as part of their 'menu' of environmental benefits. These policies are known collectively as *Access Payment Schemes* (Countryside Commission, 1994a).

Marsden *et al* (1993) and Curry (1994) indicate that the CLA in particular have encouraged these policies to be brought forward in order that 'market' assets could be exploited and that incomes from the land could be supplemented from consumption rights where production incomes were falling. Marsden *et al* (1993) recognise that the opening of new 'markets' and the commoditisation of such environmental/amenity rights can be problematic. A recurring theme in this thesis concerns the effects of restructuring on the citizen and the rights/responsibility distribution. Marsden *et al* (1993:p29) note that:

"The attempt to exploit rural space by opening up new markets is far from being a smooth or even process. It leads to acute conflicts between, for instance, the protection of collective consumption oriented use values (e.g. public recreational access to meadows, woods, viewpoints, etc.) and the attempted imposition of private production-oriented exchange values (mineral extraction, house-building) because it adjusts the social basis of entry (access) from ones of customary rights (both public and private legal and informal) towards ones based on economic power."

The potential effects of these new policies on access 'rights' are not yet known. However the the introduction of valorised values on previously unpriced 'rights' indicate a shift towards a wider commodification of property rights. The problem is that previously customary (*de facto*) rights are in danger of being lost as the process of economic rationalisation, contractualisation and commodification takes place.

The development of such policies are of particular interest here because of they exhibit characteristics of the further extension of the market into access provision and progress towards commodifying the countryside and therefore further delineates, in a spatial way, where citizens may exercise rights and where 'consumers' may exercise theirs. In order to exemplify this point subsection *iii* (below) focuses on one of the policies which has become a 'flagship' rural policy for the present government, namely the Countryside Stewardship scheme (Countryside Commission, 1993a; DoE/MAFF, 1995; MAFF, 1995).

*iii. Access Payment schemes and the Countryside Stewardship Scheme*

Access Payment schemes include *Environmentally Sensitive Areas*, the *Countryside Premium Scheme*, the *Farm Woodland Scheme* and the *Countryside Stewardship Scheme* (Countryside Commission, 1993b; 1994; see Table 2.3).



Figure 2.5 ELMs and Access Payment schemes.

ELMs Policy initiatives.	Access Payment Schemes
Countryside Stewardship	•
Countryside Premium Scheme	•
Countryside Access Scheme	•
Organic Aid Scheme	
Environmentally Sensitive Areas	•
Farm & Conserv. Grant Scheme	
Farm Woodland Premium Scheme	•
Nitrate Sensitive Areas	
Habitat Scheme	
Hedgerow Incentive Scheme	
Moorland Scheme	

Sources: MAFF/DoE (1995) & Countryside Commission (1994)

The Countryside Stewardship scheme (CS), operative in England (Countryside Commission, 1993a;b;c)<sup>45</sup> provides an example of new regulation of rural change and of the increasing role of enclosed lands as consumption spaces (Marsden *et al*, 1993; Parker 1996, forthcoming). The publication of the Rural White Paper in 1995 has explicitly placed the Countryside Stewardship scheme to the fore as one of the Government's main policy tools for rural land management:

<sup>4</sup> The Countryside Commission for Wales operates a similar scheme, *Tir Cymen*, in Wales (Countryside Council for Wales, 1993).

<sup>5</sup> The Countryside Stewardship scheme was set up within six months in 1991 under Government instruction to the Countryside Commission. The consultation paper, issued by MAFF/DoE in June 1995 on Environmental Land Management schemes, alludes to the problems that the Scheme has experienced due to the hurriedness of it's preparation (p14); "Countryside Stewardship was developed and launched in only six months in 1991, and the Countryside Commission expects scheme performance to have improved each year since then as more experience has been gained".

"Regarding Countryside Stewardship we will: give high priority to providing the extra funds necessary to enable Stewardship to continue to grow as the Government's main incentive scheme for the wider countryside..."

(DoE/MAFF, 1995:p111)

This Countryside Stewardship scheme is used to exemplify the notions of citizenship constructions and rights transfer noted below. In the case of CS at least 20% of the land under the scheme has been opened for access (Ramblers Association, 1993;1994). Since the CS began operating the Countryside Commission met their targets for applications with ease. The agreements made in the period 1991-1995 totalled 227,173 acres. It is clear that, year on year, a substantial acreage has been brought into the Countryside Stewardship scheme for public access. Although confirmation of the area under access agreement were problematic, 1993 estimates were 30,000 acres of public access land and 350 miles of linear routes (Pond, 1993), by 1995 official figures were released, showing CS access agreements amounting to 33,400 acres and 247 miles of linear route (MAFF/DoE, 1995). The Countryside Stewardship scheme cost £10.5m in 1994/1995 with forecasts rising to £11.7m per year in 1996/1997 (*Ibid*). The Scheme is set to expand over the next few years with the Ministry of Agriculture, Fisheries and Food having taken over the administration of CS in 1996<sup>6</sup>, thus succeeding the DoE/Countryside Commission in this role. The ELMs schemes are put forward in the 1995 Rural White Paper as keystones in the Government's vision for the countryside. The Countryside Stewardship Scheme:

"The completion of Countryside Stewardship's pilot phase in April 1996 and the transfer of the scheme to the Ministry of Agriculture Fisheries and Food, will represent a landmark in the development of environmental land management schemes."

(DoE/MAFF, 1995:p110)

It has been suggested (Pond, 1993) that areas of land now under the Access Payment schemes had already been used for *de facto* access prior to their designation as access

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<sup>6</sup> 1991-1996 represented the 'pilot phase' of Countryside Stewardship. The Government considered CSS a 'success' hence it's transfer and expansion under MAFF.



areas under those schemes. One of the possible effects of paying for access in this way is to polarise rights of access on the ground (Bishop & Phillips, 1993; Parker, 1996).

## 2.4 Conclusion: The State We're In

As illustrated in Chapter One the historical interpretation of law, and the leniency of the judiciary, in terms of simple trespass has allowed a mixture of *de facto* access to assist in reducing land use conflict. The punishments meted out to the leaders of the mass trespass of 1932 are rare exceptions to the rule that simple trespass has been largely overlooked and implicitly tolerated - operating under the English legal maxim of *de minimis non curat lex* - the law does not concern itself with trivial matters. This attitude has allowed *de facto* rights to co-exist in practice with private (*de jure*) property rights.

In the past access policy has lacked effective strategic planning (Nuffield Commission, 1986). Much planning for countryside recreation has been constrained by land availability and finance. Amongst the concerns with Access Payment schemes is an unease that they continue the trend that state funded access land may not be located in places of need, for instance, near settlements or linked into existing access areas or routes. Secondly, that the actual motivations for their development are linked with other potentially conflicting objectives such as agricultural support (Bishop & Phillips, 1993a,b). Some new policy initiatives aim to redress this locational deficit (e.g. Community Forests, Pocket Parks) but their success is yet to be evaluated.

The attempts, outlined in following chapters, to achieve compromise in policy terms and to 'get things done' in a pragmatic sense illustrate how the system of public access provision operates within the complex net of policy, legislation and benevolence developed since 1949 and remaining from before the Enclosures. Over the last fifty years or so the positions of landowners and the rights of the public have shifted dramatically. New developments in the economic structure in the countryside have

meant that old relationships are threatened and the idea is developed, in Chapter Four, that the present government is intent on 'purifying' the countryside (Sibley, 1993; Ravenscroft, 1992), setting up conditions suitable for 'new' markets and restructuring the powers of local government. The political philosophy of the Right has had far reaching effects on land use planning, policy and the regulation of the citizen, with consequent effects for countryside policy (see Thornley, 1993; Brindley *et al*, 1989; Ravenscroft, 1993). However, successive Conservative governments during the 1980s and 1990s have not put forward any legislation or policy that expands the provision of countryside access, rather they have sought to re-establish Liberal values. Both of these can be said to serve the vested interests of land and capital.

The Countryside Movement (Keeble, 1995; Countryside Movement, 1995) has recently formed in response to the prospect of a Labour Government being elected in 1997. Its objectives, which revolve around becoming (sic) "a powerful, persuasive, determined voice for the countryside, heard by Westminster, Whitehall, Brussels, the media and the public", testify to this (Countryside Movement, 1995:p5). It is suggested that many of the interests represented in this coalition already have a powerful voice (Milbourne, Forthcoming). The concern, of the interests who comprise the membership, is that a future Labour government may seek to alter the course upon which access policy has been set for the last seventeen years. The presence of a Conservative government has never required the agri-business/land interests to band together in such a formal way, in order to publicly protect their interests. Historically, expedient political manoeuvring from the landowning and agricultural lobbies has resulted in policy formulation in the rural arena taking place balancing sectional economic considerations with domestic social or political considerations.

There is still a core debate, which is unlikely to be resolved, as to the purpose(s) of planning; whether town and country planning should be essentially reactive - serving the interests of capital, or proactive - a method of social and economic engineering.



Over the last seventeen years the political project of Thatcherism, and subsequently Majorism, has curtailed the *de facto* role of planning leaving reactive and restrictive planning functions (Thornley, 1993). The present Conservative administration has introduced new public order measures within the Criminal Justice and Public Order Act 1994 including a new criminal offence of aggravated trespass - echoing the provisions of the 1939 Access to Mountains Act. In Chapters Three and Four the implications of this political philosophy, in terms of citizenship theory and the effect on countryside policy, are set out. In chapters Six and Seven, examples of access initiatives arising over the last few years, in terms of formal and informal countryside access policy, are investigated in depth.

## Chapter Three

### *An Archaeology of Citizenship*

"Is there not the Earth itself, its forests and waters, above and below the surface? These are the inheritance of the human race...What rights, and under what conditions, a person shall be allowed to exercise over any portion of this common inheritance cannot be left undecided. No function of Government is less optional than the regulation of these things, or more completely involved in the idea of a civilised society."

John Stuart Mill, *Principles of Political Economy* (1848)<sup>1</sup>

### **3.0 Introduction**

Over time various groups and individuals have gained, lost, regained and redefined different rights through a process of political and economic brokerage and class struggle with differing objectives and within different political projects. The first two Chapters of the thesis described the historical context of struggles for rights of access to the countryside and the emergence of formal and informal planning policy and legislation concerning countryside access. In this Chapter the development of citizenship and citizenship theory generally, in the UK<sup>2</sup> is considered, setting out the positions of the social-democratic left and the liberal right and explaining how the establishment and curtailment of certain rights are essential parts of these political projects. The political theory and history which underpins the concept of citizenship is set out including the contents of citizenship(s). Chapter Four then focusses on citizenship in the context of the history of countryside access and countryside planning. Both chapters Three and Four critique the political project of the Conservative party in the UK over the last seventeen years or so, specifically in terms of the construction of citizenship and the impact of this project in the countryside. These theoretical chapters relate directly to the concept of 'active' citizenship and empowerment investigated empirically in Chapters Six and Seven.

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<sup>1</sup>Quoted on the frontispiece of the Government White paper *This Common Inheritance* (1990) HMSO, London.

<sup>2</sup> The development of rights in other States differs quite markedly (see for example Giddens, 1985).



### 3.1 The Habitus and 'Rights'

#### *i. The Concept of Habitus*

This section outlines how the notion of 'rights' is being conceptualised throughout the thesis and introduces the concept of 'habitus'. The conception of rights adopted in this study is wide allowing the definition of a (*de facto*) right as a 'socially sanctioned' activity on land to stand (Batie, 1984) rather than simply discussing the more narrow conception of *de jure* or legally defined rights. It is important to discuss 'rights' in this wider sense in order to view the development and retraction of rights in the context of the English countryside. The main reason for this is that many of the 'rights' discussed in relation to land were customary (*de facto*) arising as a result of benevolent attitude and a process of bargaining over rights.

Thompson (1993) observes that customary rights were rarely formalised. The informality of such a situation is difficult to fully appreciate. He writes that the life of the country dweller was full of an 'ambience' - an 'habitus' - that is to say:

"a lived environment comprised of practices, inherited expectations, rules which both determined limits to usages and disclosed possibilities, norms and sanctions both of law and neighbourhood pressures."

(Thompson, 1993:p102)

The concept of habitus reappears throughout this thesis: the habitus is not only an historical notion, the habitus is contemporaneous: it alters with political, economic and cultural change. The habitus has become far more prescribed with many more rights and responsibilities set out in legal terms over the last hundred and fifty years or so (Giddens, 1985). As such the habitus defines part of the social and economic position of the citizen (Bourdieu, 1984; Warde, 1994; Jenkins, 1992). The habitus leaves a 'lived environment' within which particular practices and local cultures adapt, survive and move forward: in particular the habitus concerns the community and citizenship. It could be said to represent the lifeworld of the individual, acting as structuring agent for the the citizenship 'envelope' (in the widest sense) present in any

particular locality. 'Rights' and 'responsibilities' are conceptualised as being within and part of the scope of the habitus.

It is the economic, political and social shifts that the 'habitus' undergoes that have bearing on the development of rights in relation to land use. The analysis of these, sometimes unwitting, movements of rights between individuals, groups, the landed and the landless, the local and the outsider and, the powerful and the less powerful, is important in explaining more fully the effects of policy change in the countryside. The concept of habitus is revisited in Chapter Eight and discussed in relation to the research detailed in chapters Six and Seven.

### **3.2 Citizenship as a Concept**

#### *i. Society, the State and Citizenship*

In legal terms the people of the UK do not have the status of citizen. Instead they are subjects of the Crown with neither a formal Constitution nor a Bill of Rights<sup>3</sup>. This in itself makes the discussion of rights somewhat problematic: the only guarantee of our 'citizenship' rights comes through the social contract into which we enter under a system of representative democracy. Citizenship construction is a rôle that government undertakes and the state perpetuates, either as an acknowledged part of political policy or more obliquely, as a result of policy that unwittingly helps construct citizenship:

"Individuals are not naturally given, but socially formed. The republic does not simply leave the 'reproduction' of citizens to existing communities, but verifies whether the social formation enjoined by those communities allows for admission to citizenship. Where this is not the case or where the people lack the formative support of the community, the government interferes. The task of reproducing citizens is implied in every government action. Every government action can and may be examined in terms of its effect on (the reproduction of) citizenship, just as we now judge nearly all government action in terms of its effect on the financial deficit.<sup>4</sup>"

(Van Gunsteren, 1994:p46)

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<sup>3</sup> There are a growing number of calls for constitutional change, for example, the Charter 88 campaign.

<sup>4</sup> The concept of a consumer-citizenship is discussed in Chapter Four.



David Held identifies a similar point in relation to constitutional arrangements and citizenship (1989:p177):

"If the state as a matter of routine, is neither 'separate' nor 'impartial' with respect to society, then it is clear that citizens will not be treated as 'free and equal'. If the 'public' and 'private' are interlocked in complex ways, then elections will always be insufficient as mechanisms to ensure the accountability of the forces actually involved in the 'governing' process."

This illustrates how there is a tension between the development of 'citizenship' and the UK's system of representative democracy.

There are extensive current debates concerning the search for alternative political strategies and institutional arrangements in contemporary political science during the late 1980s and early 1990s and the concept of citizenship has become one of the foci of attention for both the right and the left. Kymlicka & Norman (1994) in a recent review article assert that the growth in interest in citizenship during the 1990s is a natural progression from the political philosophy debates over justice and community membership during the 1970s and 1980s respectively. The questions that many political scientists are now considering concern new ways of reaching/adopting political policy decisions. Citizenship is important *per se* because it concerns the relationship between the state and the individual and of the individual to society, forming part of the social contract. Therefore such a frame of reference recommends itself as a theory of democratisation and accountability (cf. Held, 1989). For this reason methods of decision-making must be democratic and accountable. In terms of citizenship and the countryside, rights as citizen are important because they help define who we are and what we can legitimately do in the countryside. These matters are often defined by key individuals or powerful interests.

## *ii. Where has 'Citizenship' Come From?*

The history and concept of citizenship is one which stretches back to Athenian times, where the status of citizen was afforded to a limited group of property owning men, bound together by social and cultural affinities (see Heater, 1990; Donnelly, 1986;

Turner, 1986). The status of citizen was not universal. This exclusiveness may run contrary to the demands of a modern democracy, but as Giddens explains (1985:p202), in feudal times such universality was not practicable, citizenship was based on community or 'habitus':

"In the feudal system, rights were not universal, in other words, not applicable to every member of a national polity. Those in the various estates and corporations effectively belonged to separate communities, having different rights and duties in relation to one another."

The status of 'citizen' has notionally been accorded universally in the UK, all persons are accorded entry into the category once the State has decided that they fulfil certain criteria<sup>5</sup>.

Citizenship has become more complex and the extent of rights and responsibilities, and the way they should be mediated, are subject to prolonged political debate. Giddens (1985:p203) observes that:

"...only since the eighteenth century have the three strands of citizenship rights become distinct from one another. This is partly because each has a different organisational focus or, at least, the first two [civil, political] do. The main institutional focus of the administration of civil rights is the legal system. Political citizenship rights have as their focal points the institutions of parliament and local government. The third - economic rights - apparently in Marshall's eyes lack such an organisational location, which is perhaps why he chooses the diffuse term 'social rights' to refer to them."<sup>6</sup>

The ideal of citizenship is one where all citizens are integrated into society and form part of that community. It is clear that, especially in terms of minority groups, this ideal has never been achieved. Citizenship rights are often portrayed as being only legal rights, there are calls for this conceptualisation to be relaxed. There are two differing concepts which lead to some confusion when discussing 'citizenship' as Kymlicka & Norman point out (1994:p353):

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<sup>5</sup> It is true however that some members of society are accorded different rights, Children or the mentally ill, for example.

<sup>6</sup> The empirical/applied parts of this thesis investigate these differing rights classes: CALGs and P3, Political; CJA, civil; CSS, social/economic.



"...there are two concepts which are sometimes conflated in these discussions: citizenship as legal status, that is, as full membership in a particular political community; and citizenship-as-desirable activity, where the extent and quality of one's citizenship is a function of one's participation in that community."

These relate to the legal state-formulated citizenship and the wider citizenship derived from habitus. The former, legal, concept of citizenship is one which began as a non-economic concept with the elements of citizenship being unconditional (Dahrendorf, 1994). This encapsulates notions of equality where such equality is beneficial to the population as a whole and not too onerous or restrictive on the individual - simply stated a balance between liberty and equality. However a clear definition of 'citizenship' in any spatio-temporal context is made complex by the heterogeneity of the individual (see Passerin-d'Entreves, 1994), let alone the relationship between that individual and his/her institutional relations and the particular viewpoint of the nation's political leadership. In this thesis, part of the discussion centres on the development of a form of conditional citizenships and the (re)evolution of some 'rights' of citizenship (see Cooper, 1993; Dahrendorf, 1994).

Attention is given here, to the relationships between private property rights and the rights of the citizen: between private and public rights (and as introduced in the first chapter, *de facto* and *de jure* rights). This is examined through the struggle over countryside access rights. There are tensions where private rights infringe on other 'freedoms' (and *vice versa*) and the attitude of the State in respect of the distribution and enforcement of such rights-claims is important. The treatment of various claim-rights by the State and by powerful individuals are important in constructing and maintaining a dominant conception of citizen rights and responsibilities (see Vincent & Plant, 1984; Dahrendorf, 1994; Marston & Staeheli, 1994).

### 3.3 The Constitution of Citizenship

#### *i. What is a Right?*

There are legal and moral distinctions drawn in rights analyses and therefore the legitimacy of rights and rights claims are integral to this thesis. The legal definitions and the institutions that evolve, maintain and enforce rights structures are themselves produced within and are part of specific historical contexts and are indirect consequences of the hegemony of certain dominant discourses and the ideologies inherent within those discourses. It is this construction of claims that are deemed acceptable, due to the dominance of a particular world-view or discourse, which constrains the capacity to express a claim-right (see Becker, 1977), in this instance in relation to land. It is argued here that the legitimacy of rights-claims and therefore rights distributions are not immutable<sup>7</sup> (see Chapter Three).

The legal conception of a right is a claim on an act or forbearance from another. This definition is propounded in Hohfeld's *Fundamental Legal Conceptions* (1919). As will be discussed, it is who and how a claim can be procured, articulated, recognised and justified, that are crucial questions affecting this discussion. Many rights, or claims to rights, are claims to liberty (and also claims to power, see below). Therefore one of the obstacles to change in terms of the structure and interpretation of property rights is the evolution of accepted claims by the legal system. There have been other categories of rights which are caught by the Hohfeldian definition which are, nevertheless, virtually ignored at law.

Becker (1977) provides a detailed discussion of property rights and their philosophic foundations and sets the various arguments for their legitimation or justification. In juxtaposition to this legal definition Batie (1984:p814) observes that rights can also be viewed as any: "socially sanctioned activity on land". This social view takes the

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<sup>7</sup> The most recent case being where the courts (legal discourse) accepted the moral argument (moral discourse) in defence of actions taken to damage and ground Hawk jet fighters bound for Indonesia to be used in East Timor.



community as being the meaningful arbiter of the legitimacy of rights-claims rather than the former legal conception which relies on the state to enforce legal claims only. It can be argued, with equal force, that neither a community nor the State can legitimately determine such rights. Conversely that both may hold such legitimacy. It is the case that, *prima facie*, power is being devolved to more local levels in an attempt to empower local communities (see chapters Seven and Eight).

## *ii. De Jure and De Facto Rights*

The legal framework is rarely fixed or clear (Harrison, 1987). It is the acceptability of *claims* falling within the scope of the definition that requires further discussion. Legal rights as well as moral or customary rights are dependant upon prevailing conceptions of *legality* and similarly upon the individual's conception of *morality*.

Marxian positions hinge on the notion that the principles and rights of the political State transferred to civil society will materially improve citizens rights and anchor them in a more democratic fashion. Keat (1982) makes the point that the principles and rights of citizenship are presently confined and restricted to the operation of a distinct and limited set of 'political' institutions. Therefore this 'political' state which operates as a separate entity with a distinctive concept of citizens rights *qua* human relationships is a political statement and essentially protects interests of dominant groups (Gramsci, 1971). There is an ongoing process of rights transfers to and from the public domain. Some rights become firmly embedded in the culture of society whilst others are defended less vigorously by the group or class which benefit from the right. In many instances 'citizens' rights that benefit power holders are those rights which become most firmly entrenched politically and socially as well as rights that hold support from large majorities of the population. The supporters of dominant discourses maintain a flexible and dynamic attitude to rights.

Positions of power are often maintained by rights transfers made as concessions to maintain an hegemony<sup>8</sup>.

In the case of the countryside it is possible to discern that the legitimacy of rights is affected by the social (re)composition in the countryside. The 'social sanction', mentioned above, to enforce legal rights over other(ed) rights may rest with a particular group in any particular locale, rather than the community as a whole, dictating the legitimacy of other(ed) rights; this can create intra-community friction. In the past perhaps this power of intimidation may have rested with the 'squirearchy' (Newby, 1988) over recent years the balance has been swinging towards middle-class incomers (see Marsden *et al*, 1993; Thrift, 1989) who have been recently labelled as the 'New Magistracy' (see Murdoch & Marsden, 1994).

The definition of a right and the concept of citizenship has been set out. Before turning to citizenship in the countryside specifically (in Chapter Four) the theoretical antecedents of contemporary citizenship theory and the development of this theoretical approach are set out below.

### 3.4 Citizenship Theory

#### *i. T.H. Marshall*

It is in the work of T.H. Marshall during the 1940s, that citizenship theory was introduced. Marshall and his seminal *Citizenship and Social Class*, published in 1950, set the theoretical framework from which theorists have subsequently developed the conception of citizenship. Marshall identified three strands of citizenship rights, those of civil, political and social rights. The Marshall thesis discusses the citizenship doctrine in

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<sup>8</sup> Clegg (1989:p160), following Gramsci, argues that Hegemony involves the successful mobilisation and reproduction of the active consent of dominated groups. Thus it involves the following four points: "i. Taking systematic account of popular interests and demands; ii. Making compromises on secondary issues to maintain support and alliances in an inherently unstable political system (whilst maintaining essential interests); iii. Organising support for national goals which serve the fundamental long-term interests of the dominant group; iv. Provide moral, intellectual and political leadership in order to reproduce and form a collective will or national popular outlook."



an evolutionary manner, where social rights emerge to partner existing civil and political rights (see Giddens, 1985; Marshall & Bottomore, 1992; Held, 1989).

"The modern drive towards social equality is, I believe, the latest phase of an evolution of citizenship which has been in continuous progress for some 250 years."

(Marshall, 1950:p147)

Marshallian citizenship involves the full membership of a community entailing participation and comprising equal rights and duties, liberties and constraints, powers and responsibilities (Marshall & Bottomore, 1992). The effect of class on such rights is duly noted in that class erodes and limits the extent to which citizenship creates access to scarce resources and participation "If citizenship is a principle of equality, class by contrast, is a system of inequality anchored in property, education and the structure of the national economy" (Marshall, 1950:p84).

The aim of all constructions of citizenship rights is, notionally, to allow the protection of the individual against powerful interests such as the state. The difference in varying conceptions of citizenship lie in the political 'world views' associated with certain rights constructions. The concept of citizenship may be appropriated by different political philosophies. The means by which they are best provided and the necessity of some rights to achieve those ends are a source of argument. Importantly different political philosophies place different emphases on the rôle of the State relative to the rôle of the market and the rôle of community relative to the rôle of the individual.

Smith (1989:p148) claims that "citizenship theory provides a vision for the transformation of society which rests neither on the overthrow of the state nor on the sanctity of the market". The progressive transformation that Smith envisages is based on a democratic development of the constitution of citizenship rights and responsibilities. Citizenship theory in the past has been concerned with the types of rights of citizenship and what those rights consisted of, how they were won, legitimated and defended. The development

of citizenship theory, and the differing conceptions of citizenship portrayed as optimal, are set out below.

## *ii. Critiques of Marshall*

Marshall's evolutionary conception of rights development has been criticised by contemporary writers. It is clear that many rights came about through a process of political lobbying. It is not at all clear that the rights gained were a 'natural' development within society. Giddens (1985) and Held (1989), for example, argue that these rights were fought for *via* class conflict and underline the idea that rights require continual defence:

"...rights once established can come under attack or be dissolved, and the history of other states across the face of the world demonstrates clearly enough that the categories of citizenship right form substantially independent arenas of struggle."

(Giddens, 1985:p320)

Marshall argues that social rights come as a result of civil, and political rights such as enfranchisement, having been accepted as rights. They act as a support for citizenship in its present form. Marshall did accept however, that rights are sometimes utilised to reinforce existing inequalities (Marshall, 1950; Marshall & Bottomore, 1992; Turner, 1986). Marxian theorists attack political citizenship on the grounds that the inequality inherent in the system of property ownership renders democracy illusory since there is little equality of power.

The evolutionary aspects which Marshall's work exhibits have been criticised most notably by Giddens (1985). He emphasises the class struggle which has been necessary to bring about the development of citizenship gains. The idea that these 'gains' are a 'one-way phenomena' which do not require defence is a view disputed by Marxist theorists (see Held, 1989). Certainly Giddens (1985) takes the view that any 'real' rights need to be defended rigorously: this supposes that the rights of a citizen are actually effective *de facto* towards more equality of outcome<sup>9</sup>. In practice, many social rights have proved to

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<sup>9</sup> That rights can be, and are, effectively used or enabled in the face of powerful (but unjust) opposition.



favour the more affluent in society when in fact they are intended for those who are in need of some socio-economic support<sup>10</sup>. Many such rights prove subordinate to capital, a relevant example of which is the protection of property rights through the operation of the land-use planning system.

King (1987) seems to adopt the same Marshallian view of the evolutionary and rolling nature of rights gained under the welfare state. It is questionable whether such rights once gained become permanently entrenched and adopted as part of the nation's political culture. This notion is most suspect when applied to the 'real' rights gained through struggle as Giddens (1985) has highlighted. This is so, in part, because rights which have been gained through political mandate are likely to stand contrary to the vested interests of landed capital and as such may require continual justification and defence.

The tripartite classification of rights expounded by Marshall has been expanded upon in more recent texts to provide a more refined dissection of types of rights held by citizens. A fourth was identified by both Held (1989) and Giddens (1985), they respectively identify economic and economic-civil rights as sub-sets of social rights. In one sense, all of the rights are political. It is the rights held only by a section of a community which prove problematic: some rights are only exploited by groups who hold power; usually through monetary, cultural or intellectual capital. The essence of a citizenship right is that it should be held by all 'citizens'<sup>11</sup>. The way in which rights and responsibilities are ascribed is (or has historically been) the rôle of the State. Different political projects will demand differing constructions of citizen: a different envelope of rights and responsibilities, entitlements and obligations.

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<sup>10</sup> For example the universal benefits system, or specific to the thesis, the provision of Country Parks (see Curry, 1994).

<sup>11</sup> The defence of social rights is more problematic (see Keat, 1982; Marx, 1975) on the fundamental disparity (or abstractness) between civil society and political society.

### 3.5 Citizenship 'Envelopes'

Citizenship can be viewed as an 'envelope' of rights, responsibilities, duties and obligations. The notion of this 'package' or 'bundle' of rights lies historically with the concept of the social contract (cf. Rousseau and social contract; see van Steenbergen, 1994). Differing theorists hold different world-views based on political philosophy and argue over what constitutes (or should legitimately constitute) the social contract. From this stems the political definition of the constitution of a citizenship envelope. Different political positions will seek to define different activities or phenomena as being within or without the citizenship envelope. That is what rights and responsibilities (both *de jure* and *de facto*) fall to particular individuals and groups of individuals. Therefore, as van Gunsteren (1994:p46, quoted above) states, every Government action or indeed, inaction, can be regarded in the light of an impact on citizenship and as a corollary, citizenship envelopes are in a constant state of flux. However, it is argued here that they are critically infused with the philosophical underpinnings of the political party in power. Two diametric positions are illustrated below in terms of Libertarian and social-democratic philosophy.

#### *i. The Social Contract: Rawls v. Nozick*

In order to aid understanding of the main philosophical differences between 'leftist' and 'rightist' political theory, a social-democratic position is contrasted with that of a Libertarian position; respectively, John Rawls in *A Theory of Justice*. (1972) and, Robert Nozick in *Anarchy, State and Utopia*. (1980). The Libertarian or Liberal view of citizenship does not accept anything more than a minimal State and a minimal citizenship comprising of civil and perhaps political rights - dependent on their particular characteristics.

However, it is clear that each position is based on certain philosophical presuppositions as Roche (1992:p225) explains:



"the dominant paradigm of social citizenship and its instrument, the welfare state, could be criticised...Firstly it is founded on the existence of social rights which are rarely built into national political constitutions in any full, explicit and unequivocal way...secondly...that the extension and servicing of social rights by the state is the best way to solve [social inequalities]."

"...neo-libertarian discourse is full of readily discernible myths of its own (myths of the 'state of nature', asocial individuals, economically rational individuals etc.) so no great store need be set by this critique."

Both Rawls and Nozick propose principles upon which a theory of justice can be based. The bundle of rights which a citizen inherits should capture, preserve and enhance essential elements of justice. Rawls (1972:p60) propounds that:

1. Each person to have an equal right to the most extensive basic liberty compatible with a similar liberty for others;
2. social and economic inequalities are to be arranged so that they are both a) reasonably expected to be to everyone's advantage, and b) attached to positions and offices open to all.

Rawls argues from a familiar baseline position imagining a state of nature where rational people would choose these two principles as being impartial and therefore fair. Rawls (1972:p544) underlines this point:

"The basis for self-esteem in a just society is not then one's income share but the publicly affirmed distribution of fundamental rights and liberties. And this distribution being equal, everyone has a similar and secure status when they meet to conduct the common affairs of the wider society".

These principles are countered by Libertarian theorists, who view structured or patterned theories of justice to be unjustified. Nozick's entitlement theory (1980:p151) he claims that;

1. A person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding.
2. A person who acquires a holding in accordance with the principle of justice in transfer, from someone else entitled to that holding, is entitled to that holding.
3. No one is entitled to a holding except by (repeated) applications of 1 and 2.

These statements can be interpreted in a variety of ways, with emphasis placed on different aspects of those principles. One of the main divergences of opinion, important in relation to this thesis, concerns the sanctity of private property. It is clear that the intervention of the State, in particular the planning system in the UK, in respect of real

property is viewed as incompatible by libertarians, whilst social-democratic theorists view intervention and nationalisation of some property rights as necessary in order to control inequalities.

The link between the varying conceptions of citizenship and the understanding and acceptance of *de facto* rights as legitimate, in particular, is important. As discussed above the liberal conception of citizenship is based on a narrower concept of civil and political citizenship based on legal (*de jure*) rights.

## *ii. A Question of Emphasis?*

Various administrations of differing political hues implicitly order different types of right emphasising and prioritising those that rest most comfortably with their political viewpoint. This is done at the expense of other rights-claims. The concern of neo-liberal Governments has been to protect economic rights. Where these conflict with other rights economic interests would generally be favoured. Thus rights become implicitly gradated in accordance with the dominant ideology coupled with the dominant power in the legislature. Dahrendorf (1994) argues, from a social-democratic viewpoint, that rights can be conceptualised in terms of their relative necessity or 'embeddedness'. He states that there is a "hard-core" of rights that are "fundamental and indispensable" (*Ibid*:p13). This may be so in order for society, as we presently conceptualise it, to function however, in theoretical terms no such rights are prerequisite or immutable.

The rôle of the state in determining legitimate rights is a crucial one. In most cases citizenship envelopes will shift towards one political pole or another without presenting a marked movement towards one conception of citizenship or another. Gramsci (1971) identifies this as the 'conjunctural': the everyday of political action. Particular rights and their classification are only justified and legitimated under particular conceptions of citizenship or outcomes associated with allied political projects. There are a variety of factors which influence decisions regarding the citizenship 'envelope'. These include



(generally and specifically in relation to the subject matter developed here); economic impact, crime levels, levels of environmental degradation and crucially, the effect on existing rights.

The effect on existing dominant rights and economic interests shape the political actions of both the Executive and the Judiciary. As illustrated in the first two chapters the historical context impinges on citizenship projects: some of these historical features are enabling while others are obstructive dependant on the political theory drawn upon by the group in power. Two conceptions of citizenship, which roughly equate to the positions of the main political parties in the UK, are set out below.

### 3.6 Citizenship Types and Constructions

#### *i. Liberal and Communitarian Citizenships*

Rather than charting the development of rights and investigating typologies of rights it is the constructions or packages of citizenship and the legitimation of those constructions or packages that are analysed here. In order to simplify the analysis two hypothetical, yet well aired constructions of citizenship are discussed here. Firstly a Liberal or 'individualist' laissez-faire citizenship<sup>12</sup> and secondly, a Communitarian, or a form of 'pluralist' citizenship, are applied here to compare countryside policy (Mouffe, 1993; Van Gunsteren, 1994). The Liberal construction and the Communitarian construction of citizenship rights provide appropriately contrasting positions for analysis in the context of countryside access rights.

Citizenship construction in terms of countryside access has in the past exhibited characteristics of paternalism rather than of a narrower Liberal citizenship linked to historical development of land and rights distributions and degrees of benevolence on the

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<sup>12</sup> This label is used here advisedly: there is at least one other well established construction of citizenship associated with the British Conservative Party, which may be labelled 'Toryism'. This is, typically, a relatively passive/reactive citizenship, regarding rights distributions, based on maintaining the *status quo*.

part of the state and private landowners. This is why recent changes in the regulation of the countryside has brought widespread debate about issues such as; commodification, counter-urbanisation and increased demand for development. All of those issues impact on the habitus and the construction of citizenship in the countryside.

As mentioned above the 'habitus' in which the citizen exists is comprised of rights and responsibilities, provisions and duties, obligations and entitlements. The emphasis which is placed on the different sides of the citizenship equation are important in terms of day to day politics and issues concerning accountability, empowerment and public spending. The construction of citizenship is infused with the political priorities of the elected government and therefore to some extent the citizenship envelope moves with that world-view. Liberal conceptions emphasise obligations, duties and responsibilities while traditionally, the social-democratic left have concentrated on provisions, entitlements and rights.

## *ii. The Liberal Conception*

The Liberal construction emphasises the individualism of the citizen, "the citizen as rational being, the calculating bearer of rights and privileges" (van Gunsteren, 1994:p39). This Liberal citizenship is theoretically calculated in order to result in the maximum benefit for the individual and relies to some extent of the individual meeting obligations and responsibilities rather than demanding rights and provisions (Dahrendorf, 1994). The limits or failings of this conception lie predominantly where the liberty of the individual compromises the liberty of another individual<sup>13</sup> (Roche, 1992). The individualist notion of citizenship has recourse to philanthropy and the benevolence that has characterised much countryside access provision in the past, notionally to achieve 'social' objectives. The Liberal version of citizenship leaves philanthropy and altruism as the remedies for

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<sup>13</sup> See J.S. Mill's *On Liberty* for a classical analysis of the limits of liberty.



disparities in conditions and access to opportunities - not just in spatial terms - but where the market fails to provide (Gyford, 1991; Dahrendorf, 1979).

Under the Liberal conception of citizenship the market mechanism is the predominant method of procurement of a citizen right and, influenced by the American citizenship construction, contractual relationships are emphasised (Fraser & Gordon, 1994). Under the market the 'citizen' has power by virtue of their role in the market-place as a consumer. Thus giving rise to the conflation of 'consumer-citizen' discussed in Chapter Four (see also Urry, 1995; Parker, 1996; Crouch, Forthcoming).

A property right is a civil citizenship right under the present structure of citizenship. Under this structure private property rights are defended against other citizen right claims<sup>14</sup>. This renders exchange of rights through the political system problematic. Once installed, markets and 'values' become entrenched as the legitimate mode of regulation and transaction. Policies which operate according to market criteria have social ramifications for the community (of which the construction of citizenship is putatively there to protect), as van Gunsteren points out "a community that is merely expedient is not a community" (1994:p41). Expediency is one of the keywords of the free market discourse - the implication in van Gunsteren's comment is that 'community' is a complex and often intangible construct exhibiting features such as; altruism, compassion, helpfulness and identification with place. By inference here the composite phrase would be "a citizenship that is merely expedient is not a citizenship". The issue of the effects of markets on citizenship and community therefore concerns the expediency of the market and the 'value' of 'community' at local, national and even international levels of construction<sup>15</sup>. The notion of citizenship and of community is one that is built on complex

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<sup>14</sup> Compulsory purchase may be viewed as an exception. However the market still operates in this case, a market value is paid in compensation for lost rights. Those rights are of course vested in the state in the 'public interest'.

<sup>15</sup> For example, the introduction of the cross-curricular theme of citizenship within the National Curriculum as method of instilling into young people how to be a 'good' citizen. Internationally the European Union is constructing a European citizenship.

and sometimes fragile social, economic and historical foundations. The market rationalises these relationships. 'Value' in this sense is based on the willingness to pay for goods and services. 'Community', here, is theoretically constituted by individuals who are acting from self-interest - the Samuel Smiles' 'self-help' ethic (see Chapter Four). The Communitarian construction of citizenship is discussed below.

### *iii. The Communitarian Conception*

It is the Communitarian notion of citizenship that has recently been associated with Tony Blair's 'New Labour' vision for this country (Phillips, 1994). The Communitarian view expounded by Amitai Etzioni in the United States attempts to rework the notion of the 'common good' (Mouffe, 1993; Etzioni, 1993) or the social/political model of citizenship<sup>16</sup>. Gyford (1991) emphasises the role of community membership and sees the individual as being derived from that Communitarian citizenship. The core of this model of citizenship combines, perhaps uneasily, the rights of the individual - labelled in terms of solidarity - with welfare rights (Dahrendorf, 1994). The community lives within a code in this instance and whilst this code will necessarily be amended over time it theoretically provides the framework for reproducing 'successful' or 'good' citizens. The model is dependant on the conscious creation (and recreation) of a community. This differs from the Liberal conception in that this community conception is not reducible to individual agency.

Critics of the Communitarian concept of citizenship argue that the basis of 'majoritarianism', upon which the American version rests, does not allow for the empowerment of minority groups. The concept still seems to exhibit liberal or 'modernist' tendencies towards assimilation. If a concept of citizenship could be negotiated that integrated diverse opinions and views it would represent a fundamental reconstructive step. The common code being amended and reworked to accept other rights claims; thus

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<sup>16</sup> Etzioni has been an important influence on Blair's thinking and also advised U.S. President Carter during the 1970s.



resulting in a society tentatively labelled as a "neo-republican" by Van Gunsteren (1994) or "liberal socialist" where society attempts to construct a pluralist democracy (Mouffe, 1993). Etzioni (1993) claims that there are particular strategies which are part of the Communitarian agenda, for example; the devolution of power to local areas, and the further democratisation of social relations, much of this is currently incorporated into Labour Party policy in the UK and is being brought into Conservative party policy (as explored later in chapters Four, Six and Seven). It is argued that the construction of Communitarian citizenship is rendered problematic by the diverse nature of a culturally fragmented plural, or postmodern society in similar fashion to that of Liberal constructions (see Heater, 1990).

There are a multiplicity of combinations of rights and responsibilities that could be legitimated at any particular time or in any particular place. It is land, capital and the power accruing to the holders of these assets that impact on the effectiveness of rights systems. It is striking that there are several contradictions found in political policy stances. The present government's 'back to basics' idea seems *prima facie* to return to a Communitarian 'code' developed within 'civil' society. This highlights another possible contradiction in present political policies impacting directly or indirectly on land use. Typologies of citizenship rights when applied to the full range of British rights show tensions between the categories of rights and between the groups who hold those rights. Whilst the mantle of citizen is notionally shared, the same ability to exercise or enjoy rights is not equally shared. When placed alongside the Marshallian definition of citizenship it is clear that there is not equality in terms of rights and duties, liberties and constraints and powers and responsibilities. The fragmentation of contemporary culture means that any construction of citizenship would have difficulty in satiating all citizen rights claims. The Liberal construction of citizenship is one which attempts, in opposition to social and cultural trends, to *narrowly* define what constitutes acceptable, proper or 'good' citizens' behaviour (Ravenscroft, 1993). The varying constructions of citizenship envelopes can be narrow or wide and indeed both are dependant on the behaviour of the

citizen and the conditionality of the citizenship paradigm. A useful distinction here is between an *assimilatory* citizenship ideal and an *integrative* citizenship concept (see George & Wilding, 1985).

*iv. Who are Citizens and Who are not: the 'Deviant' and the 'Good'.*

One of the essential aims of a pluralistic citizenship is the avoidance of assimilatory outcomes. Integrative rights reconcile some individual or minority views, desires and actions. Indeed therein lies part of the trade-off between equality and individual freedom. The assimilation of the individual into society involves the (enforced) adoption of existing rights, responsibilities and behaviour by that individual: potentially at the expense of elements of previously held citizenship. The integration of these interests involves a much broader interpretation and requires a less rigid application of rights and responsibilities. This allows scope for individualistic behaviour within the citizenship framework.

The conception of citizenship envisaged by John Major's Conservative administration can be labelled as Liberal. The political philosophy of the present and immediate past administrations (1979 to the present) involve a rigid conception of citizenship and has been expressed through the policies put in place by Conservative politicians over the last seventeen years. Ravenscroft (1993) argues:

"This divisive construction of a new citizenship, with material wealth and freedom available to the 'good' citizen at the expense of the deprivation, rejection and suppression of the 'deviant' citizen is at the centre of a new political order where choice has been replaced by means and where the classless paradigm envisaged by John Major will be a classlessness of constructed omission."

(Ravenscroft, 1993:p33)

The citizenship envelope is constructed politically and as such the delimitations of citizenship and the stipulations concerning entry as citizen are constructed politically. Foucault (1977) importantly sets out, in *Discipline and Punish*, that deviance implies normality in a reciprocal relationship: deviant behaviour defines what is normal. Bauman (1992) also describes the way in which the very existence of something which is



portrayed as 'wrong' infers and helps define what is considered to be 'right'. In a spatial context Sibley (1992) examines the way in which space is 'purified' politically and culturally in order to allow practices of dominant groups to take place at the expense of marginalised activities. In order for such purification of space to happen, the construction of a citizenship which reflects this is necessary. It requires a form of *conditional* citizenship.

#### v. *New Times, New Citizenships*

Recent work concerning citizenship theory follows the tradition of the analyses by Marshall, Giddens and Held. With the large amount of interest in citizenship during the last ten years or so many other facets of citizenship have been auspicated: these include the notion of *Cultural* citizenship which concerns the emergence of a citizenship based on cultural difference linked to globalisation and the development of a postmodern society:

"...very few modern societies have such cultural uniformity. Multiculturalism is an inevitable consequence of globalisation. Finally, there is the view that formal participation in the national culture may simply disguise major *de facto* forms of exclusion."

(Turner, 1994:p159-160)

Turner calls for a wider consideration of citizenship and to extend the consideration of rights to include cultural citizenship. He also recognises that citizenship incorporation can imply a very different type of citizenship:

"where citizenship develops from below (as a consequence of class struggle) then we have an active and radical form, but where citizenship is imposed from above as a 'ruling-class strategy' of incorporation, then we have a passive type of citizenship. In addition, where the public sphere is not regarded as an appropriate moral arena (for example, where the family is seen to be the 'natural' space for the moral development of the citizen), then politics becomes privatised, reinforcing the passive nature of citizenship."

(Turner, 1994:p159)

There has been some discussion of citizenships that are not entirely dependent or based on the nation-state - for instance the development of a *European* citizenship (Institute for Citizenship Studies, 1992) and the idea of *Global* citizenship allied with the *Ecological* citizen (van Steenberg, 1994) and the *Environmental* citizen (Newby, 1996) and a host

of other sectoral sub-categories of citizenship (see Figure 3.1, below, and; van Steenbergen, 1994; Newby 1994; Falk, 1994; Bulmer & Rees, 1996). The importance of the development of these sub-citizenships are discussed more fully in Chapter Four where the relationships between citizenship, land and environmental protest are drawn out.

Figure 3.1 A Typology of Rights and Facets of Citizenship

Citizenship(s)	Author(s)*	Example(s)*
Civil	Marshall (1950)	Property ownership, free speech.
Political	Marshall (1950)	Enfranchisement.
Social	Marshall (1950)	Education.
Economic	Giddens (1985)	State benefits
European	Roche (1992)	Pan-European rights. Corporate
Inst. Cit. Studies (1992)		Corporate 'good' citizen.
Cultural	Turner (1994)	Education
Ecological	van Steenbergen (1994)	Habitat protection
Global	Falk (1994)	Sustainable development
Consumer	Urry (1995)	Politicised consumption
*As exemplars		

The notion of citizenship as a corner stone, or unifying concept, for a progressive society to build upon is likely to be put under considerable pressure as Heater (1990:p285) notes:

"Citizenship as a useful political concept is in danger of being torn asunder; and any hope of a coherent civic education left in tatters as a consequence. By a bitter twist of historical fate, the concept, which evolved to provide a sense of identity and community, is on the verge of becoming a source of communal dissension. As more and more diverse interests identify particular elements for their doctrinal and practical needs, so the component parts of the citizenship idea are being made to do service for the whole. And under the strain of these centrifugal forces, citizenship as a total ideal may be threatened with disintegration."

This view is somewhat apocalyptic. However the central idea is that, as a more diverse and culturally fragmented society develops, the servicing of the needs and aspirations of those people becomes equally diverse. It follows that the political construction of citizenship will either; expand and integrate, accepting a wider definition of the 'good' citizen (and therefore deviancy becomes less easily applicable to minority/marginalised groups) or, demand the assimilation of those who are deemed 'deviant' by the state. This



reinforces the idea that such political demarcation constructs citizenship conditionality and expediency.

### **3.7 Land and the Citizen.**

Marxian philosophers have made much of the conflict between the rights to Liberty and to that of property (Keat, 1982; Becker, 1977). Therefore the delimitation of rights and responsibilities of the citizen in relation to land and its administration is an area of social science which draws attention from theorists from across the political spectrum. There has been an increasing amount of interest in the re-examination of the structure of private property rights especially in relation to citizenship rights.

#### *i. Citizenship Rights and Private Property Rights*

There exists a relatively well defined body of citizenship theory, it is still expanding and the interest in the concept during the mid-1990s is widespread. The exploration of property rights and citizens rights in the context of countryside policy is one of the crucial steps leading to an understanding of the effects of such policies. Such an analysis inevitably highlights the failures of policy aimed at social and economic change (see Cullingworth, 1994). The failure of progressive land policy is due, in no small part, to the entrenched claim-rights which landowners exercise in order to maintain a *status quo*. It is this fundamental obstacle which planners and policy implementers face. Newby *et al* (1978:p345) state that:

"We believe the rights associated with property to be such a taken-for-granted (and hence hegemonic) aspect of the social structure and to be fundamental in both shaping the system of rural social stratification and prompting a good deal of the political activity in which farmers and landowners engage".

More recently a reminder of the importance of property rights in the rural context was issued by Marsden *et al* (1993:p69):

"The ownership of rural land may be of modest significance but the local distribution of property rights remains crucial to the pattern and processes of rural development. This is pre-eminently because of the continued association between control over property rights, local elites and the rural class structure, and the focus upon land as the means of realising many public policy objectives".

The 'dominant' ideology in the UK has supported the *status quo* with regard to property rights (see Abercrombie *et al*, 1984 for a fuller, subtler exposition of the development of property rights and ideology; Marsden *et al*, 1993). There was a short period following World War Two when certain property rights were brought under State control and many of the changes brought about then still pertain. The use of power by the state in respect of those rights has meant however, that they have been colonised by the property-owning classes to maintain amenity and land values (Cullingworth, 1994). Turner (1986), states that one of the roles of bourgeois freedoms is the right to own property and Held (1989; 1991) asserts that one of the first civil rights entrenched into Britain's developing, liberal civil society was the right to own property.

Mediating the establishment of certain rights at the expense of other acquired rights held is problematic insofar that property rights generally are firmly entrenched as citizenship rights. Becker (1977:p112) notes that;

"The sorts of property rights which can be justified vary with social circumstances... Thus rights obtained justifiably in one time and place and perpetrated by justifiable transfers...may turn out to be unjustifiable in terms of a good distribution for the current social situation."

If past alterations to the structure of property rights are analysed, especially where the planning system is now the arbiter in land-use decisions, it is possible to say that in many respects the system of land use planning has been accepted because it serves to protect both the interests of landed capital and the public (Ravenscroft, 1993; Ambrose, 1986).

In terms of the provision of access in the countryside since 1949, the process of seeking to redress the balance between private and public rights has been piecemeal (Blunden & Curry, 1990). As the historical chapters illustrated, the distribution of rights has been contingent on a number of factors. Again Becker (1977:p2) points out that:

"The history of property acquisition is a sordid one...inequity in the distribution of goods has always been visible. An institution which has had to manage the results of so much injustice, and which has so often been used to perpetuate inequity has an understandable aversion to moral analysis".



The maintenance of economic interests is one of the main points of political contention when seeking to adopt social citizenship rights. In terms of property rights there has been extensive discussion concerning the legitimacy of present rights distributions. The subject of lost rights and ancient rights over land (see Chapter One, Thompson, 1975; 1993; Shoard, 1987; Blunden & Curry, 1990) has led to recent calls for a re-examination of present rights distributions.

In 1995 a campaign was launched called *The Land is Ours* (Monbiot 1995, *The Land is Ours* 1995a,b). The main objectives of the campaign are to re-examine the way in which land rights are treated in their social context. They pose moral questions concerning the use of derelict land, the issue of homelessness, the claim-rights of minorities such as travellers and ravers, in relation to land, and confrontation with landowners' behaviour on a moral level<sup>17</sup>. The campaign problematises rights not just of 'ownership' but of empowerment (*The Land is Ours*, 1995a:p1):

"Our role is to highlight ordinary peoples' exclusion not only from the land itself but from the decision-making processes affecting it..."

## *ii. Power and Property Rights*

The analysis of power in this context is the most important feature of ownership (Denman, 1978). The power in land is held by the landowner in most respects. Notable exceptions have come about through progressive planning legislation such as the 1947 Town and Country Planning Act. The landowner has the power to waive certain rights, again Hohfeld (1919) regards the existence of a power right as where a right-holder may (whether morally or legally) alter some rights, duties, liberties or powers of another<sup>18</sup>. It is debatable whether power rights in this context will involve two-way power brokerage

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<sup>17</sup> For example, the Campaign ran a 'Worst Landowner in Britain' competition through the Guardian during 1995.

<sup>18</sup> Exclusivity of use for example.

between Landowner and the State. Power relations are crucial - the Liberal right believe that 'power' should rest with the individual while the social-democratic left have

traditionally considered that such power rights should be vested in the State on behalf of the population as a whole. In both instances the power is enforced by the State (Local, National and supra-National).

One of the areas of political/economic dispute concerns the rightful distribution and placement of *de facto* rights. There is the complication involved of the rightful responsibility/obligation for some *de jure* rights, the political project of the Conservative party envisages the rolling back of the state, with this comes consequent redistributions of responsibility for 'rights' coming from the public domain.

It is clear that any rights distribution is a contingent distribution and therefore the legitimacy of such rights may be temporary, if not continually contested. Some rights at particular points in time are viewed as unassailable, for instance; the right to own property in civil terms, the right to vote in political terms and, the right to an education in social terms. Various critiques of citizenship theory have outlined the dynamic nature of rights and the processes by which rights are won, lost, maintained and reinforced (see Held, 1989; Heater, 1990). There is interdependency between different sets of rights, their construction, and the political impacts of those constructions. The tensions expounded within debates over rights distributions in the context of countryside access are between property rights as legal and civil rights and between differing property rights claims which are not integrated within putative property rights constructions. Both, in this context, can be claimed as citizenship rights. The construction of production and consumption rights and their meanings are substantially formed by the processes taking place in the social world (Mouffe, 1993; Clark *et al*, 1994). The effects of specific policy and economic restructuring on production/consumption rights, specifically in terms of the interface of property rights and citizenship rights, in relation to countryside access (Fudge



& Glasbeek, 1991; Ravenscroft, 1993) are such that claims to vary existing rights distributions are likely to develop, given the economic position of agriculture, and the need for alternative land-uses and incomes from the land.

Current policy efforts in the countryside are linked yet constrained by many external influences, for example the reform of the Common Agricultural Policy and, ubiquitously, the influence of the land lobby remains strong over central government. The common labelling of recent Conservative party administrations as Liberal comes about in recognition of the emphasis placed on a 'free' market economy and a minimal State within government policy over the last seventeen years. Cox (1984) emphasises that policies to return land and property markets to a free market have failed in the past as have efforts to nationalise land. The power of constraint, or Denman's (1978) 'positive power' of property ownership held by landowners constrains the power of policy initiation held by the State which in turn renders radical progression along routes towards free markets or land nationalisation unlikely. In the case of contemporary policy initiatives for agricultural land use there is an underlying shift to address land use to market demands. These shifts are felt particularly in terms of public access provision to the countryside. Access is sensitive in this way because of its fragility in legal *de jure* and civil terms. In terms of economic arguments countryside access is recognised as a means of income generation for the countryside through tourism and associated spending on goods and services located in the rural. For this reason countryside access is targeted by the market discourse for conversion and rationalisation into a market commodity. Commodification is discussed in Chapter Four.

Market rights offer a particular definition of entitlements (Fudge & Glasbeek, 1992; Lowe *et al*, 1993). Notionally the market serves the interests of the landed and the consumer, ensuring that rights in respect to countryside access become consumer rights, rights via the contract in the *Gesellschaft* mode. It is how the market plays an important role in

sustaining certain conceptions of citizenship whilst emaciating others that is important here.

### 3.8 Conclusion

The issue of the conversion of rights to and from the public domain exhibits features of a struggle for power, for rights couched in terms of freedom and equality and the role of the state, the market and the citizen. The crux of this struggle comes where rights interface, conflict and overlap or, where one rights claim disallows other rights claims. It is claims for rights (over land use) which seem symbolically resonant in debates over countryside access (c.f. Shoard, 1987; Thompson, 1993).

Countryside issues can arouse deeply held views, beliefs and raise competing individual conceptions of optimal citizenship. The large-scale social and economic changes in the countryside over the last thirty years or so have led to a large in-movement of middle class or property class rural dwellers who are influenced by the dominant cultural images of the countryside as rural idyll (see Murdoch & Marsden, 1994). Efforts on the part of the Government to ensure that this lifestyle conception be protected have led to increasing conflict between different groups in the countryside and an increase in demands from sectional interests that their claims on rights be met or maintained by the state. The case of countryside access is an important and enlightening political and philosophical phenomenon. At present landowners exercise a claim-right (in general terms) in respect to the exclusivity of use over the land which they hold. This claim requires the State (the judiciary) to enforce their rights-claim.

Citizen mediation, self-help, the penetration of the market discourse into the countryside and of government and interest group actions to preserve or claim those interests as rights in the countryside are the focus of the following chapters. 'Active' citizenship in the countryside and the role of the State in controlling political and economic restructuring, in terms of countryside access, are investigated in Chapters Six and Seven. Chapter Four



illustrates how citizenship is being being restructured and how wider restructuring, involving citizenship is resisted through citizen action.

## Chapter Four

### *Citizenship and the Countryside*

"Evident problems of law and order are at least indirectly a consequence of underclass exclusion. The seemingly simple legal prerequisites of freedom of contract and reliable titles to private property constitute major stumbling blocks on the road to expanding provisions."

(Dahrendorf, 1994:p16)

#### **4.0 Introduction**

This Chapter builds upon theories of citizenship developed in the previous Chapter and the historical context of countryside access described in Chapters One and Two in a contemporary context. Here the effects of contemporary policies on citizenship and the transition to a more market-oriented countryside from the welfarist countryside that had prevailed before 1986, are discussed in three main themes. Firstly, that traditional Liberal Tory values of self-help and individual responsibility are emphasised by government in respect to the 'active' 'good' citizen. Secondly, it is argued, that Government policy, concerning the rural, over the last seventeen years or so has assisted in the development of a form of 'consumer-citizenship'<sup>1</sup> whereby the expression of political rights and responsibilities are being forced through market discourses. Thirdly, the relationship between the Criminal Justice and Public Order Act 1994<sup>2</sup>, Liberal citizenship in the UK and environmental protest is explored. It is observed that protest strategies now being employed by environmental groups are making extensive use of market-based approaches: illustrating features of self-help, active citizenship and consumer-citizenship. Chapter Five then synthesises Part One of the thesis setting out the research questions derived from observations made in the first four chapters and the methodology used in Part Two of the thesis.

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<sup>1</sup>This word conjunction has been introduced by Urry (1995), Parker (1996) and Crouch (Forthcoming).

<sup>2</sup> Herein referred to as the Criminal Justice Act.



## 4.1 Liberal Citizenship, the Market and the Countryside

### *i. Self-Help and 'Active' Citizenship*

There has been extensive interest and debate over the last ten years or so, about the notion of 'active' citizenship (see for example; Turner, 1986; Mouffe, 1988; Smith, 1989; Oliver, 1991; Van Steenberg, 1994), especially since the explicit encouragement of a brand of active citizenship by the Conservative party under Margaret Thatcher's administration and subsequently under John Major (1979 to the present). The Conservative vision of the 'active' citizen is based on the rhetoric of empowerment and self-help, reviving one of the oldest 'Tory' values, derived from Nineteenth century thinkers such as Samuel Smiles. The development of this powerful label is itself part of the outcome of political restructuring being wrought by the Conservative Party. Thornley (1993:p81-82) explains:

"..importance [is] given to the value of self-help. This value places great importance on the desire and ability of the individual to look after him/herself and the fostering of a sense of pride in overcoming problems and satisfying needs without seeking the help of others."

The Conservative Party has appropriated the label of the 'active' citizen - advocating the participation of the citizen in community affairs. However, there is some convergence of opinion, regarding enhanced citizen participation in society, from all political hues. It is the means, ability and rules (*de jure* or *de facto*) that enable such participation that are subject to dispute. As argued in the previous chapter, citizenship is a constructed project and therefore the 'active' citizen and the style and level of such participation/activity is equally politically inspired. There are political agendas set by various actors, holding particular notions of citizenship as desirable, at work which influence policy and identity construction, as mentioned in the introduction (see Smith, 1989; Harvey, 1993).

The political project of the present government involves constructing rights and setting responsibilities in various spheres: reconstructing citizenship. Current policy efforts in the countryside are linked yet constrained by reform of the Common Agricultural Policy and notwithstanding, the influence of the land lobby remains

strong over central government. In the case of contemporary policy initiatives for agricultural land use there is an underlying shift to address land use to market demands, shifts which public access provision to the countryside is sensitive towards because of its fragility in legal and economic terms (Winter, 1996; Lowe *et al*, 1993). Since claims for enhanced access to the countryside are, by their very nature, claims to potentially conflicting land-use they are inherently political. They challenge a well-established interpretation of the distribution of property rights.

When this political project is related to rural society it is possible to discern several important processes that influence the operation and nature of (rural) community participation. For example; the influx of middle-class incomers into the countryside and the impact that has in micro- and macro-political terms. Secondly, on the symbolic level, the multiple identities of the countryside as (productive) space or as (consumable) social sphere, hold potential tensions. This has influence on the rural dweller/user, dictating to some degree correct behaviour, responsibilities and expectations. These constructed, dominant, images and discourses require conformity from citizens in order for them to be: firstly a 'good' citizen and secondly, an 'active' citizen (Crouch & Ravenscroft, 1995).



## *ii. Customary Rights and Market Rights: Renegotiating the Production and Consumption Functions of Land*

Political policies are not usually couched explicitly in terms of rights (and transfers of rights from one section of society to another or from direct control of those rights/responsibilities into State control). Conspicuous for its prolonged period of contention has been the issue of access over land and the provision of increased opportunity to enjoy the countryside. The arguments introduced in the first three chapters have concerned matters of principle, matters of resources, conservation imperatives and issues of practicality and pragmatism.

Land use in the countryside has been thrown into a state of relative uncertainty: less land is needed to feed the populations of the European Union (EU). Therefore a more diverse use of land in the countryside is a logical progression. Landowners are being encouraged to operate alternative land uses or farm in a more environmentally friendly fashion (Countryside Commission, 1993a; 1994a; refer to Chapter Two). Extensification of leisure and recreational uses of (ex)agricultural land in the countryside has become popular and relatively simple to encourage and implement (see Urry, 1995; Clark *et al*, 1994). However, there is at least a three-way tension that exists in the post-productivist countryside, i. present countryside policy generally, ii. agricultural policy specifically and iii. present approaches towards recreation provision in the countryside.

The landowning lobby, on the one hand, argues for payment for access. Conversely, user groups argue that existing citizenship 'rights' will be lost if 'public' access is commoditised. At an institutional level, the Countryside Commission along with the Ministry of Agriculture Fisheries and Food (MAFF), pursue policies that follow the same principles of subsidy and support for uneconomic activity. They hope to placate both the agricultural community and countryside user groups with support mechanisms and the provision of access land

via policies such as the Access Payment Scheme package discussed earlier (Countryside Commission, 1994a,b). Additionally there is the political project of the Conservative party to centralise power at the top tier of government and synchronously limiting the powers of second tier government (see Thornley, 1993; Gyford, 1991). Increasingly, there are policy moves to 'empower' local communities/individuals through initiatives such as the Citizens Charter and the Parish Paths Partnership scheme (Countryside Commission, 1994b, 1995a,b) as explored in Chapter Seven and Part Two generally.

Within this political and economic restructuring there is concern that some informal rights and activities may be lost as a result of these processes (Cloke & Goodwin, 1992; Lowe *et al*, 1993:p8, see below). The mode of regulation enforces particular conceptions of citizenship through the demarcation of deviancy and orthodoxy with respect to the exercise of rights claims. This process of demarcation is highly politicised. The definition and extent of rights and duties liberties and constraints, powers and responsibilities, will be subject to dispute. The debate centres on the legitimate scope and responsibility of the state, the market or customary rights to provide certain countryside goods. There are certain rights and expectations contained as part of the citizenship envelope that are susceptible to change under a liberal market-oriented citizenship. Lowe *et al* (1993:p8) anticipate that:

"One of the problems of a transition from a paternalistic, welfare tradition to a market oriented one is that many informal public benefits may be lost in the process...The risk is that the new private owners will look either to terminate such access or to raise revenue from it. With such proposals on the agenda, there is a pressing need to consider turning certain customary freedoms into rights to moderate the scope of private market power".

Once a right is priced it enters the realms and discourse of the market place. The call made above, by Lowe *et al* (1993) is that *de facto* rights be legalised, otherwise such abstract 'rights' become commodities<sup>3</sup> to be traded, exchanged,

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<sup>3</sup> Harvey (1990), interpreting Marx, notes that the advent of a money economy "dissolves the bonds and relations that make up 'traditional' communities so that 'money becomes the real community'"(p100).



bought, sold or leased. Importantly they become embedded as, exploitable, private property rights.

Historically countryside access provision has relied upon non-market based claims from natural justice, equity, social need or benevolence (see chapters One and Two). It has been regarded as a social benefit or citizenship 'right' that has always existed, happily or unhappily, as part of the customary 'habitus' (Thompson, 1993; Bourdieu, 1984; 1977). In this examination of countryside access it is the changing role of agricultural land, as a site of production towards enclosed agricultural land as a site of consumption, that is examined as a location where rights are being 'traded'. It is the legitimation of, and the means by which, this change is mediated and regulated that is of interest here. The shift in emphasis from production towards consumption of countryside goods and the way in which that consumption is formalised, has political repercussions with potential to increase tensions between landowners and the public:

"In agrarian political economy...emphasis has been on an understanding of the dynamics of production processes, with limited attention paid to social rigidities or changes in consumption practices...In the context of rural areas, it is particularly pertinent to consider the interrelations between production and consumption, given the increasing role of such areas as consumption spaces."

(Marsden *et al*, 1993:p21)

It is clear that rights distributions are contingent. The legitimacy of rights may be temporary, if not continually under challenge. Some rights, at particular points in time, are viewed as politically unassailable: the right to own property in civil terms, the right to vote in political terms and the right to an education in social terms. Various critiques of citizenship theory have outlined the dynamic nature of rights and the processes by which rights are won, lost, maintained and reinforced (see Held, 1989; Heater, 1990). There is interdependency between different sets of rights, their construction, and the political impacts of those constructions. The tensions expounded within debates over rights distributions in the context of

countryside access are between property rights as legal and civil rights and between differing property rights claims which are not integrated within putative property rights constructions. Both, in this context, can be claimed as citizenship rights. The construction of production and consumption rights and their meanings are substantially formed by the processes taking place in the social world (Mouffe, 1993; Clark *et al*, 1994). The effects of specific policy and economic restructuring on production/consumption rights, specifically in terms of the interface of property rights and citizenship rights in relation to countryside access, (Fudge & Glasbeek, 1992; Ravenscroft, 1993) are such that, claims to vary existing rights distributions are likely to develop, given the economic position of agriculture and the need for alternative land-uses and incomes from the land.

### *iii. Contemporary Access Policies and the Regulation of the Citizen*

Legislation and policy initiatives involving countryside access have left a system of access provision that is piecemeal and largely incomprehensible for the public (Blunden & Curry, 1990; Riddall & Trevelyan, 1992). The means of access provision varies as does the associated exercise of power from the State, individuals and interests groups. Access provision has been delivered within a grey area of multi-layered policy with a mix of public and private (*de jure* and *de facto*) rights with a reliance on the benevolence of individual rights holders. This situation lacks any sort of clarity and therefore distorts the adequacy of access provision and any meaningful measurement of 'demand'. The present situation allows a variety of rights claims to be expressed and variously accepted as legitimate. Contrary to this historical trend, present policies represent a move towards liberal capitalist rationalisation: a symbolic 'enclosure' of already physically enclosed land.

The Countryside Stewardship scheme exemplifies this approach as it operates as a grant scheme with landowners being paid to provide environmental benefits (Countryside Commission, 1994b). Countryside access is valorised, prices are set



for different component parts of countryside access provision, introducing a market orientation which commodifies countryside access. Currently transactions involving access are between the landowner and the State. It is possible that policy progression may lead to countryside pricing strategies and transactions for access rights being concluded between landowners and individuals (Bishop & Phillips, 1993a,b; Parker, 1996, forthcoming). Such a development would require a narrowing of legitimate rights-claims as discussed in relation to a Liberal construction of citizenship set out in the previous chapter; such constructions require limited claims to be operable in order to maintain value or status. The commodification process can fully hegemonise access rights as private property rights. The process of commoditization has been encouraged over land as a method of producing alternative income flows, where commoditisation involves the following:

"The term commoditization describes the extension of markets to new spheres of activity, or usually in more advanced economies the superimposition of new types of market relation...The pressure to turn use values into exchange values has been especially intense under recent neoliberal policies...government has encouraged moves to commoditize an ever-widening range of land-based activities and to orient these towards non-agricultural markets. In this way, the diversification of the farming economy has been oriented towards the re-use of surplus property rather than surplus labour..."

(Marsden *et al*, 1993:p27-29)

Charging for access provision has to become politically acceptable, in order for it to proceed. Therefore legitimation is needed for extracting revenue from an activity which has been previously unpriced and free<sup>4</sup>. The contexts within which property rights and citizens rights have been framed in space and time are important factors in understanding arguments over specific rural issues (see for example; Sibley, 1992). There are several complementary thrusts of policy in terms of the construction of a Majorite citizenship: the Citizens Charter, the introduction of the cross-curricular theme of *citizenship* within the National Curriculum as method of

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<sup>4</sup> I exclude Access Agreements from this point because they have never been implemented widely or invested with cultural/political capital. The policy initiatives aimed at opening up access through already established *de jure* rights of access are discussed later.

instilling into young people how to be a 'good' citizen and, discussed later, the notion of 'active' citizenship.

## 4.2 Citizenship, Consumption and the Countryside

### *i. Citizenship and the Consumer*

It is the development of access rights as private property rights, with prices attached to those private rights, that signify a move away from policy aimed at enforcing already existing legal, citizens rights of access to consumer rights of access. The consideration of citizenship and the relationship between citizens and the market is important. Where the market interfaces with citizenship and where tensions may arise in terms of access provision is of importance within this essay. Citizenship construction is a role that government undertakes, either as an acknowledged part of political policy or more obliquely, as a result of policy that unwittingly helps construct citizenship (Van Gunsteren, 1994). The main point to consider here is the difference between the *consumer* and the *citizen* - a change in emphasis that a monetised access system may herald (and has been taking place in other spheres). This shift of role, from citizen to consumer, is a crucial difference noted by many writers c.f. Gyford (1991), Ravenscroft (1993), Urry (1995). Lowe *et al* (1993) assert that there is a category difference in the traditional consumer and the political citizen:

"Mensuration of consumer preferences cannot denote the social value of something. The consumer reacts to the market mechanism, and the citizen exercises rights through the political system. To confuse the two is to make a category mistake."

(Lowe *et al*, 1993:p4)

The above quotation illustrates the notion that in some way the consumer cannot act as a citizen within a political context. This is true in many respects however the rise of consumerism and market-based protest strategies illustrates that 'consumers' can act politically. Sagoff (1988) distinguishes a logical difference in consumer and citizen preferences. When an individual lodges a preference as a consumer, the



community-regarding values that the individual may hold, are set aside in order to ensure that the individual's personal interests are pursued. Community-regarding values are put aside in this situation even though the individual is part of the community. Sagoff suggests that those community-regarding values should be reflected in social regulation, rather than through individual preferences that are commonly valued through the market. It is also the case that consumers make choices through the market which can be viewed as 'community-regarding'.

Examples of regulation over private monopoly are used by government to regulate the market in those previously nationalised industries that have been brought into the private sector over the last fifteen years or so. Consumer 'watchdogs' such as; OFWAT (water regulator) and OFTEL (telecommunications regulator) mediate and represent the public interest on behalf of the 'consumer-citizen'. This strategy places a barrier between the government and the citizen, the responsibility for regulating the service becomes disassociated with the state and into the hands of a politically unaccountable Quango.

The notion that a consumer is not a citizen or *vice versa* is a substantive point in this discussion. These quotations illustrate the notion that in some way the consumer cannot act as a citizen within a political context but, paradoxically, this consumer-citizen (Urry, 1995; Parker, 1996) is a construction defined and exercised politically:

"people are increasingly citizens through their ability to purchase goods and services - citizenship is more a matter of consumption than of political rights and duties."

(Urry, 1995:p165)

Here it is argued that the roles of consumer and of citizen are not necessarily mutually exclusive - or at least the labelling by different political parties is not<sup>5</sup>.

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<sup>5</sup> The *Citizens Charter* is possibly more aptly entitled the 'Consumers Charter' (see Stewart & Stoker, 1995).

The construction and applicability of notions of citizenship or of the consumer are at issue; where, when, and why individuals are called upon to act as consumers or citizens in particular situations and how those roles in particular situations are justified or legitimated are important.

## *ii. Consumerism as Political Protest*

During the 1960s and 1970s Ralph Nader, in particular, promoted the use of consumer-citizenship tactics in the United States in aspects of consumer safety with notable success (see Nader, 1990; Harbrecht, 1989; Mintzberg, 1983). It is no coincidence that the United States, as home of the 'consumer culture' (see, Baudrillard, 1989), saw the first use of such tactics. The development of market-based philosophies and policies for seventeen years in the UK have led to an increasing politicisation of consumption. This, coupled with the age of global markets and the associated technology and communications 'explosion', has ushered in the more sophisticated consumer who, armed with the realisation that their consumer power can be exercised to make political choices through the market, are politicising their consumption patterns (Urry, 1995). The startling outcome is that representative democracy is being undermined and discarded by large numbers of the population as they view government as unresponsive: only concerned with the needs of the powerful or of the majority. There are several differences between the mobilisation of public opinion in the US in the 1970s and the situation in the UK in the mid-1990s. The development of the consumer-citizen in this country is interesting because it is becoming one of the only legitimate forms of protest outside of registering disagreement through a local Member of Parliament or by voting each five years or so - the market discourse becomes the "obligatory passage point" for protest (Callon, 1986; see section 4.4 below).

One effect of the restriction of legal protest and growing disillusionment with the "one-party state" (Hutton, 1996:p37) system of representative democracy is that



citizens/consumers react to particular issues; in what has been characterised as a growth in 'single-issue politics' and NIMBYism. This is also part of cultural fragmentation whereby smaller groups identify and are concerned with areas of politics or policy that directly affect them or their value-systems. The actions of many protest groups in rural spaces is taken to defend their consumption/amenity rights (see Murdoch & Marsden, 1994). Political action is dictated by the means that are available to the public, means which are politically constructed as the 'proper' (legal) means of protest. For an active minority demonstrating on the street or up a tree is being outlawed<sup>6</sup>. Turner (1994:p159) notes that the imposition of this citizenship from above effectively 'privatises politics' and reinforces a passive citizenship. This may be true for a large proportion of the 'sedentary society' however, increasingly *political* action (through consumer choice), that is not place specific, is being determined at the supermarket or on the petrol station forecourt<sup>7</sup>. This developed form of protest can be characterised as part of the development of consumer-citizenship.

Liberal citizenship defines acceptable, proper or good citizens behaviour (Ravenscroft, 1993). One striking example of government attitude is found in the 1994 Criminal Justice and Public Order Act (Part V)<sup>8</sup> in which 'deviant' citizens such as; roads protesters, hunt saboteurs, ravers or travellers are penalised because of actions that transgress the code of responsibilities, duties or constraints prescribed by the State.

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<sup>6</sup>For example fly-picketing was banned under the 1986 Public Order Act as direct result of the 1984-5 miners strike.

<sup>7</sup> It is interesting to speculate on the outcome when it comes to light that all oil companies create environmental damage. Information is however likely to be partial and disjointed in respect of corporate actions.

<sup>8</sup> This has at least one antecedent in the 1986 Public Order Act (see Fyfe, 1995; Liberty, 1995).

### 4.3 The Criminal Justice and Public Order Act 1994 (Part V)

#### *i. Regulating Rural Space Through the Criminal Justice Act*

The contexts within which property rights and citizens rights have been framed in space and time are important factors in understanding arguments over specific rural issues (see Sibley, 1992). Contemporary discussions of rights are especially pertinent with the political furore caused by the Criminal Justice and Public Order Act and its provisions to criminalise trespass, restrict freedom of movement, and move Travellers on from campsites.

Resistance (or protest in this example) merely serves to demonstrate the necessity of that discipline which provokes it (Foucault, 1977). It is impossible to ascertain how many people have been deterred or turned away from protest under threat of the Criminal Justice & Public Order Act 1994. Part V of the Act is entitled '*Public Order: Collective Trespass or Nuisance on Land*'. This part of the Act was drafted and targetted at particular social groups. The most infamous of the targetted groups are those protesters attempting to block new road building programmes, the hunt saboteurs, New age travellers such as the 'Dongas'<sup>9</sup> and people attending 'raves' (DoE/MAFF, 1995; Halfacree, 1996).

It is not possible, at the time of writing, to obtain access to official figures regarding the arrests or convictions under Part V of the Act<sup>10</sup>. However Liberty, the National Council for Civil Liberties (NCCL), has been monitoring the use of the Act, which came into force in November 1994. They contend that by December 1994 over 80 arrests had been made under the new public order powers. The latest figures by the organisers of the Newbury protest in February 1996 stated that over 300 arrests were made under provisions of the Criminal Justice Act in that protest alone (Justice? 1996).

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<sup>9</sup> A well known 'tribe' of New Age travellers

<sup>10</sup> These are not available from the Home Office until the end of 1996.



Some provisions of the Act will be familiar to many people, such has been the furore and publicity generated by the Act's public order provisions. For example; Section 61 increases police powers to remove 'trespassers' on land, Section 63 gives powers to remove people attending or preparing for a rave and Section 65 provides powers to stop people proceeding towards a rave. Section 68 creates the offence of *Aggravated Trespass*, Section 77 allows local authorities to remove unauthorised campers from land and Section 80 repeals part of the 1968 Caravan Sites Act and the definition of 'gipsy' contained within it. Part V of the Act has been roundly criticised not least because, the intention of the Act is to 'pre-empt trouble' (DoE/MAFF, 1995). There was some initial reticence by many constabularies to enforce Part V of the Act. The police acknowledged the difficulty in interpreting the new law and the associated time and cost burdens which it would incur. There is a concern that this legislation, whilst being notionally targetted at certain transgressors, cannot distinguish between the intended persons and other members of the public. The police are left with responsibility for upholding the Criminal Justice Act: as such the law becomes an arbitrary measure with dominant social norms being protected. Anyone using the countryside in a manner that is construed to be outside this construction may be viewed as transgressing certain sections of this law. It is suggested here that the Criminal Justice Act reinforces and extends protection of certain private property rights and sets clear boundaries between deviancy and orthodoxy both spatial and political.

John Major's 'New age? Not in this age, Not in any age' speech, given at the 1992 Conservative party conference (Lowe & Shaw, 1993) illustrates the Conservative viewpoint that social groups should conform to set law and order rules as defined by the State (and the market) and that 'deviancy' will not be tolerated. Hutton (1996) views the Criminal Justice Act as integral to the Conservative political project:

"...the criminal justice system is increasingly involved in maintaining public order. The 1994 Criminal Justice Act increased central government's control over the police, weakening their accountability to local authorities and giving them enhanced discretionary powers over Britain's public spaces. It is the culmination of a fifteen-year process."

(Hutton, 1996:p36)

The provisions of the CJA that are of concern here are those clauses which affect rights that could be characterised as 'jostle rights'. These are, or have been, (*de facto*) civil rights which are necessary for the movement along rights continuums to take place or rights that enable protest, concerning proposed rights transfers, to take place. Such 'jostle rights' can be viewed as an integral part of political citizenship (Parker, 1996). Another way of viewing these rights is as a sub-group of political rights - they represent one of the main methods that political change is brought about through the politically active citizen. The concept of citizenship is a relatively amorphous one, as acknowledged above, because rights are contingent in nature. This mutability is recognised as one of the strengths of citizenship within a democracy (Dahrendorf, 1994). In order that contingent rights are not hegemonised it is important that such 'jostle rights' remain as an integral part of the construction of a democratic citizenship.

## *ii. Possible Impacts on Rural Space and Identity*

The impacts for countryside access are clear, trespass has previously been an offence which the judiciary have been reticent about punishing, unless the transgressor has actually caused damage. The 1995 Rural White Paper<sup>11</sup> mentions the intended purpose of the Aggravated Trespass clause of the Criminal Justice Act:

"We believe that there is a need for greater tolerance and understanding where urban attitudes come into conflict with the traditional values of the countryside. For this reason we introduced the new offence of aggravated trespass under the Criminal Justice and Public Order Act 1994. The offence is designed to protect those pursuing lawful activity from intimidation and bullying. The police are now able to pre-empt trouble"

(DoE/MAFF, 1995:p55)

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<sup>11</sup> Entitled *Rural England. A Nation Committed to a Living Countryside*.



The most cursory analysis of this reveals inherent value judgements about certain activities and people in the countryside. The responsibility for such 'tolerance' is placed squarely on those viewed as transgressors - there is no acknowledgement that dominant groups or the government itself can be considered intolerant or 'transgressive'. The Liberty document *Defend Diversity, Defend Dissent* points out the inconsistency of the above statement concerning tolerance:

"Liberty believes a government should balance different needs, aspirations and rights, not outlaw activities it doesn't approve of. We believe in: equality. Everyone, whoever they are, should have the same rights and freedoms. No individual or group should be subject to arbitrary interference by the law. No-one should experience discrimination or hostility because of their identity."

(Liberty, 1995:p2)

"Hunting and attending raves could both be described as minority leisure pursuits which do not enjoy universal support. Under the new powers, hunters effectively gain legal protection, while people wishing to organise or attend unlicensed raves become criminals."

(Liberty, 1995:p23)

The Act provides powers for the police to arrest people exercising *de facto* rights or those who transgress other facets of the construction of citizenship envisaged by John Major. The Criminal Justice and Public Order Act is an important government policy: it acts as a key enforcement mechanism for the Liberal conception of citizenship. The Act is an obvious step in bolstering property-based elements of civil citizenship in opposition to other rights or rights-claims, especially those claims that involve the maintenance or extension of social or cultural rights, which may interfere with Liberal notions of property ownership. It remains to be seen how long-lived the Act will be and precisely how it is implemented. There have already been occasions, however, on which provisions of the Act have been used: the Brightlingsea animal rights protests in 1995 and the 1996 Newbury bypass demonstrations are two recent examples. The relationship between 'protest' and 'participation' is explored below, citing recent examples of environmental protest in

the UK and abroad. The section concentrates on the manoeuvring of the State, the corporate world and protest groups in response to each others' actions.

#### 4.4 Citizenship and Environmental Protest

##### *i. 'Paint it Green and Sell it...'*

There are political, environmental and economic pressures and processes at work that have been identified here and within the preceding chapters. The way in which these processes are mediated are reflected in government policy. Flynn & Lowe (1992) point out that much of the 'greening' of the Conservative party in recent years has been little more than a cynical political covering tactic designed to pacify environmental groups and growing public concern: a method of limiting vote losses to other political parties. Environmental groups, in the 1990s do not confine themselves to normative political lobbying - they often resort to high profile direct action. State reaction to this has been to restrict the opportunity or at least the legality of such forms of protest through measures such as the Criminal Justice Act. Often environmental protest directly concerns land-use issues and/or requires access to land for protest. The development and treatment of such protest is discussed in this section.

The reaction of the business world and the large corporations to environmental protests has been mixed. There has been reliance on State (through the police) protection as in the Brightlingsea veal exports, others have developed complex counter-strategies of facade and disinformation, whilst some have actually attempted to address the concerns of environmentalists. The BBC's Money Programme feature *Protests and Profits*<sup>12</sup> mentions the development of environmental consultation forums being instituted by some large companies to placate the environmental lobby. The most publicised has been the environmental

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<sup>12</sup> Shown on BBC Two 24th March 1996.



panel who have been advising the civil engineering firm Tarmac PLC (Money Programme, 1996; Brown, 1996a). The actions of large companies are, increasingly, being judged in terms of their citizenship responsibilities and the rights of others: a form of 'corporate citizenship' (refer to Figure 3.1). The Institute for Citizenship Studies is formally encouraging firms to take positive measures, in this respect, to be 'good corporate citizens':

"Companies can also be 'good citizens' and realise their social responsibilities to their employees, customers, shareholders and the communities in which they operate."

(Institute for Citizenship Studies, 1992:p3-4)

This strategy of insider consultation has been *prima facie* effective in influencing Tarmac's recent decision to withdraw from the Newbury bypass tendering procedure (Brown 1996a,b). However, Sir John Banham the Chairman of Tarmac PLC, in interview on the *Protests and Profits* feature, stated that it was unfair that individual companies should have to bear the brunt of direct action and that the resolution of green issues should be the concern of the government. Before withdrawing from the Newbury contract he urged government not to take the cheapest short term roadbuilding option as the best:

"In bidding for the Newbury bypass, we made it plain to the ministry [DoT] that, if selected, we would insist on a panel putting forward it's own detailed proposals for managing the environmental challenges posed by the chosen route. If the bureaucracy insists on continuing to confuse value for money with cheapness, ministers and officials should have to explain their reasoning publicly rather than hide behind contractors."

Sir John Banham (quoted in *The Guardian*, 21st May 1996)

The most high profile environmental protests that have taken place over the last few years and the strategies employed are discussed below, shedding light on the reactions of the state and corporations to such protests. This illustrates how the government structure policy around the protection of particular interests and rights.

## *ii. Environmental Protest in the 1990s*

In the early 1990s there has been a marked rise in high profile protests over various environmental issues. At the forefront of this has been Greenpeace and Friends of the Earth. There has also been a growth in small action groups with political/ecological agendas. The *White Book* produced by *Justice?* lists hundreds of such groups (Justice?, 1995).

In the context of citizenship, protest and the development of the 'classless' society envisaged by John Major the development and use of market-based tactics are expedient and increasingly the only option for protest groups. The most recent Greenpeace/Friends of the Earth exhortations to vote as a consumer-protester came with the recent French Nuclear tests and the subsequent exhortations not to buy French produce. However the most 'successful' use of such tactics came with the Brent Spar protest in 1994/5. Here Greenpeace appealed to the public to stay away from Shell products. Large numbers of people did stop buying Shell, resulting in a steep fall in their market share, and eventually the company did reverse the decision to dump the Brent Spar oil platform in a deep-sea site (Money Programme, 1996). On the local scale there are examples of people having recourse to market means, for example buying up local fields to stop development or when they feel that the planning system is failing to protect their interests (Times, 1995).

The demonstrations and protests around Newbury regarding the proposed new bypass also known as 'The Third Battle of Newbury' filled the headlines for several months during 1995/6. The pitched battles in trees made very good newsbite material for the media and provided extensive publicity to the cause of the protesters. As the protest evolved it became apparent that the Government would not heed the protest at stage one - the clearance of the route - and the work



proceeded, albeit slowly, and at great expense<sup>13</sup> involving hundreds of security guards, and large numbers of police (see Figure 4.1a,b).

Figure 4.1a Newbury Bypass Demonstration 1996



*Protester arrested at the Newbury Bypass Demonstrations under the auspices of the 1994 Criminal Justice Act. Note the Police video surveillance.*

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<sup>13</sup>Published estimates put the security bill for Newbury at over £3 million by April 1996 (Guardian, 1996).



Figure 4.1b Newbury Bypass Demonstration 1996



*The heavy Police and security presence at Newbury*

Friends of the Earth have begun to use market-based tactics as employed in the Greenpeace Brent spar campaign. The road builders on the tender list for the road-building contract for the Newbury bypass have been the target of the protest organisers - they urge those who support them to buy shares in the companies involved and write to those companies, to attend the general meetings of shareholders and to make representations to the companies through 'conventional' channels<sup>14</sup>. Against one of the companies, Tarmac, this tactic worked with the company pulling out of the tender procedure. While the strategy of using 'consumer power' is not entirely new in the context of environmental protest in the UK it is

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<sup>14</sup> During the Summer of 1996 the Costain company was awarded the Newbury contract. The 1996 Costain Annual general Meeting, held in September 1996 was attended by less than three hundred shareholders. Over two hundred of those attending were Newbury bypass protesters holding one or two shares only. At the time of writing Costain were actively reconsidering their position regarding the Newbury contract.



increasingly the only option available to environmental groups in order that disapproval can be registered. Other 'legal' protest strategies are being curtailed as the criminalisation of protest is enforced through legislation.

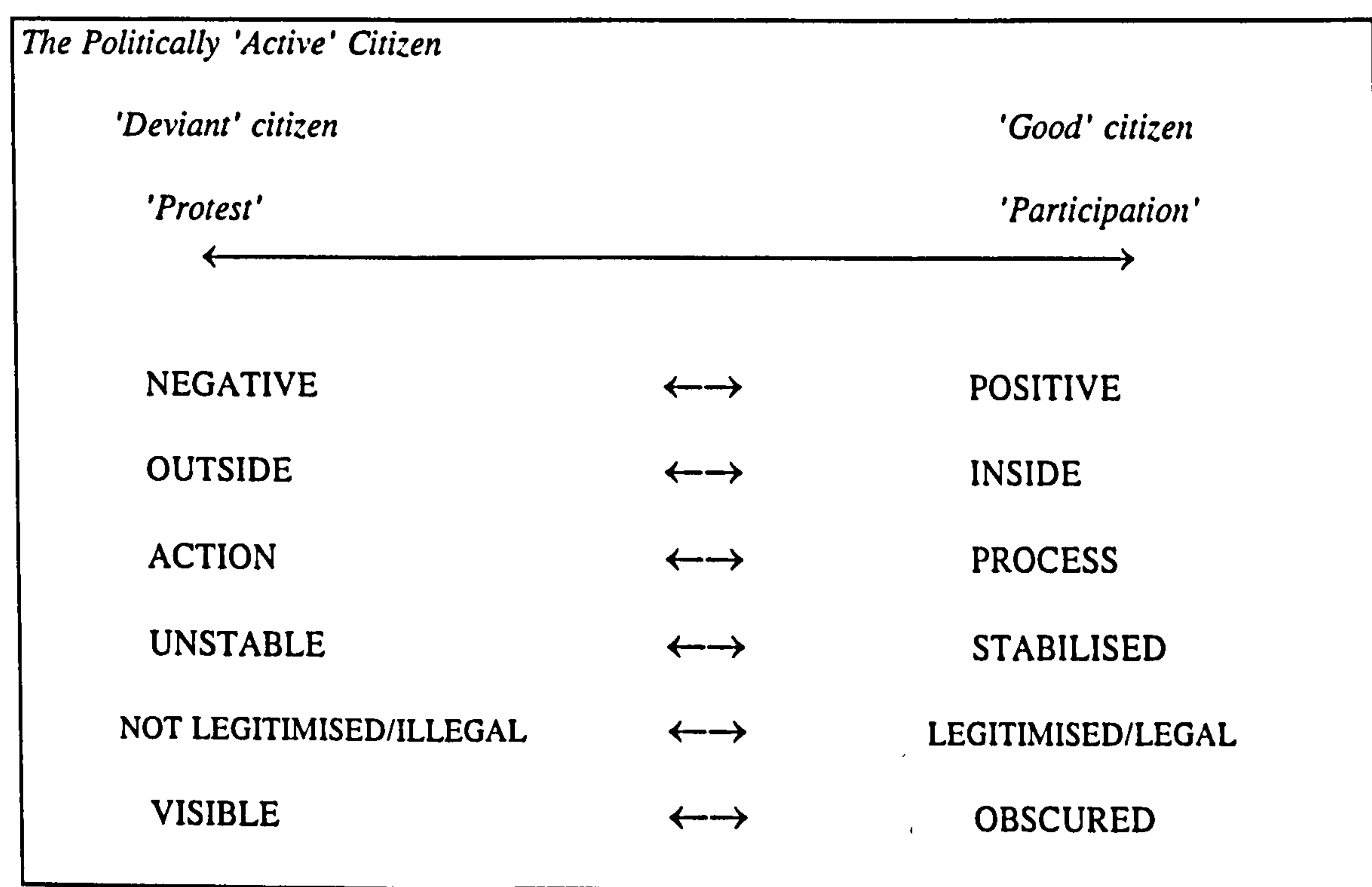
The protests over Brent Spar, the French Pacific Nuclear Tests and Newbury (amongst other roads protests since the Twyford Down protests) show the development of protest strategies, to provide the protesters with a favourable outcome, have become advanced. The organisers of the protest groups urge political action through the market. This exemplifies the development of what can be variously termed; the 'consumer-citizen', the 'consumer-protester' or the 'political shareholder'. The use of consumer pressure to promote and to protest over an issue or viewpoint is not a new phenomena. Other examples of pressure being placed on perceived wrongdoers through market manipulation are both small and local and large and on an international scale, for example; Nestl and the controversy over baby milk being sent to third world nations, Barclays bank and their involvement with South Africa during the apartheid regime and more generally the use of market power by Governments themselves in the use of economic sanctions against nations with whom they have disputes (enforcement of Global citizenship).

The curtailment of legal protest means that other strategies of protest are necessary in order for the protest group to be heard. This is where the (re)development of the consumer-citizen is rooted. Callon (1986) when referring to the dominant discourse and how it structures relations states that the discourse, as mentioned in this instance of the market, becomes "an obligatory passage point" meaning that all things must pass through it in order to be validated or considered legitimate.

iii. *Conceptualising Protest, Citizenship and Participation*

Political participation and protest can be conceptualised as being linked positions of active citizenship. Figure 4.2 sets out various perceptual and actual differences between these forms of political 'activity'. A series of conceptual continua are used to illustrate the socio-political construction of protest and participation. The hypothesis set out here is that protest and participation in civil society are both part of the political life of that society. Some of the differences in varying forms of political action from protest to participation are labelled and transposed below to liberal conceptions of the 'deviant' citizen and the 'good' citizen.

Figure 4.2 The Politically Active Citizen: continua of protest and participation



The continua illustrate in a simple form how 'protest' is constructed, constrained and shaped and taken from the mainstream political arena by the State. Often protest strategies move and are dropped and picked up again by protagonists depending on the circumstances and as the need arises.



The polar positions on the continua are contingent on a number of factors, for example; the particularities of an issue, media coverage, power relationships and the mutability over time of positions or responses and the level of the activity (local, national, international, global). The nature of a particular protest or participation will dictate how and where it may relate to each of the continua. The agency of the *Fourth Estate*, the Media, cannot be underestimated and indeed the strategies employed by the larger environmental groups mean that their activities, whilst being viewed as deviant by the state, are highly visible and can lend legitimacy through such visibility. The way in which protest is often stabilised by the State is to institutionalise it so that the protest becomes part of a (participatory) process defined by the State. By dint of this form of legitimisation such 'participation' may also be obscured as it is brought inside the 'normative' political process. Discussion of how the subjects of research, examined in Chapter Six and Seven, measure against this conceptual scheme are discussed in Chapter Eight.

#### 4.5 Conclusion

Differing (political) groups will choose to define the limits of citizenship, or citizenship envelope, differently. It is the most powerful group(s) which are able to legitimate their actions or destabilise the legitimacy of others. Turner (1994) states that citizenship should be defined including 'cultural citizenship'. This includes the exercise of social practices and rights. The present Conservative administration views citizenship much more narrowly in terms of a juridical and political citizenship (see, van Steenberg, 1994).

There are several fundamental drawbacks with the consumer culture in terms of protest, democratisation and political power. Most importantly that the market determines the form of protest and has control over the information required to make informed choice. Therefore 'protest' over the behaviour of market players is constructed: the consumer-citizen is conveniently the 'good' citizen. Consumer-

citizenship<sup>15</sup> becomes a non-deviant method of registering protest. The effect of non-regulation and reliance on the market, coupled with law and order policies which restrict other forms of protest, results in citizens making *political* statements through the Market where possible and when there is adequate information to do so. When the old-style Tory ethics of self-help, self-reliance and individual responsibility are fed into this political situation, the development of this Majorite citizenship takes on another layer of meaning: it is clear that the two wings of the present Conservative party advocate differing political-economic doctrine.

The development and extension of consumer-citizenship absolves government from responsibility. The fault is projected onto the individual corporation/person who is 'found out' rather than public opinion or expert advice pressurising government into regulatory action. In the case of the Newbury protest it is the government itself which is the alleged wrong-doer. This makes the Newbury example especially interesting because the road-building companies are caught in between the two real protagonists (i.e. the state and the protest groups) both of whom are operating with different value systems and different conceptions of legitimate citizenship. Paradoxically the companies involved in the Newbury contract simply require a stable environment in which to make business decisions.

The Criminal Justice Act disallows protest or dissent, effectively legitimising other rights claims<sup>16</sup>. The Countryside Stewardship Scheme acts similarly in introducing the discourse of the market with an associated effect of derogating other rights claims over countryside access. Both can be viewed as essential in building a Liberal citizenship and assisting in encouraging a form of consumer-citizenship. This construction of citizenship emphasises the individual, the market, the sanctity of liberal notions of private property rights and the curtailment of *de facto* rights

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<sup>15</sup> The consumer-citizen is, perhaps, one face of Baudrillard's 'hyper-citizen' (see Baudrillard, 1994; Poster, 1988).

<sup>16</sup> Claims that are already embedded or claims based on market principles.



that conflict with the Liberal construction. In order for 'active' citizenship, under the Liberal conception, to be effective, full information and education is a prerequisite<sup>17</sup>. However the knowledge required to be a fully cognisant citizen is unrealistically extensive and mutable. Information itself is susceptible to engineering and can be used tactically.

The notion of the 'active' citizen and the 'consumer-citizen' have been investigated here in relation to both protest and participation in the policy process. Chapter Five below synthesises Part One of the thesis, setting out the research questions to be addressed in Part Two and the methodological approaches used in chapters Six and Seven.

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<sup>17</sup> The Institute for Citizenship Studies was set up in 1992 as part of an attempt to inform the population of their rights and responsibilities as citizens. 'Citizenship' has become a cross-curricular theme of the National Curriculum.

## **Chapter Five**

### ***Synthesis and Methodology***

"Sociologists, push back and trace anew the boundaries between what is technical, economic, cultural and social. The result is that here again the Leviathans are hacked about by conflicting teams of sociologists, and are scarred like Frankenstein. What else do sociologists do? Like everyone else, they never stop working to define who acts or who speaks. They tape the recollections of a workman, a prostitute or an old Mexican; they interview; they hand out open and closed questionnaires on every subject under the sun; they unceasingly sound out the opinions of the masses."

(Callon & Latour, 1981:p299)

### **5.0 Introduction**

Chapters One and Two have charted the historical development of countryside access and recreation, changes over time of rights distributions over land and the legacy of policy and legislation regarding countryside access and recreation in the countryside. In Chapters Three and Four the theories of citizenship and the relevance of the concept to contemporary rural England has also been set out with descriptions and analysis of the political project, involving citizenship construction, of the present Conservative party government and previous Conservative administrations over the last seventeen years.

This Chapter reviews and synthesises the first four chapters and sets out the research questions that flow from that analysis, which are to be addressed in the second part of the thesis. The empirical work is introduced and the methods used within the empirical stages of this research project are discussed. The selection of the two main objects of study and how they address the research questions is also considered.



## 5.1 Review of Part One

Several main areas, explored in the first four chapters, have relevance to this particular study of countryside recreation and access in England. Each area of concern is reviewed below.

### *i. The Historical Context: rights and recreation*

The historical development of countryside access provision presents both an interesting microcosm of the development of citizenship rights and responsibilities in the countryside specifically and more generally of the development of citizenship in the British nation state. The legacy of the Enclosures, amongst other events through history, has been to leave particular sets of relationships and rights distributions in place. Although rights and responsibilities have been developing and changing over time certain key elements, concerning property rights, have largely remained. All of these relationships form part of the habitus and, as conceptualised in Chapter Three, the citizenship envelope.

The habitus, as introduced in Chapter Three, is viewed by Bourdieu (1977; 1984;1990) as essentially the product of history. Jenkins (1992) writing about Bourdieu's concept of habitus explains the historical composition of the set of subjective and objective elements that make up the habitus:

"[habitus] is the product of the past practices of this generation and previous generations...Here we have a process of production, a process of adjustment, and a dialectical relationship between collective history inscribed in objective conditions and the habitus inscribed in individuals...practices are the product of the habitus, as well as serving to reproduce it or confirm it as 'true'. As a consequence, history tends to repeat itself and the status quo is perpetuated."

(Jenkins, 1992:p80-81)

Historical attempts to defend or regain parts of the habitus favouring the population at large have been suppressed and claims to rights swept aside in the process of modernising land rights and uses. Thus the power of landowners has remained to a large extent, (and not only in legal terms) and the status of land has also remained.

Dominant conceptions of land ownership and connected rights relationships remain lodged in the psychological makeup of citizens. Culturally, 'trespass' has a very powerful association. The historical legacy in terms of countryside access is one that perpetuates uncertainty, there is a piecemeal mix of *de jure* and *de facto* access and there is confusion on the part of large sections of the community regarding 'where they can go and what they can do in the countryside'<sup>1</sup>. The historical analysis led to several points, that are considered further in Part Two of the thesis, concerning the way in which rural people and interest groups firstly, attempt to modify or challenge putative rights distributions or secondly, support or oppose other formative rights and responsibilities.

*ii. The Policy Context: institutionalisation and planning*

There have been no significant challenges to property rights distributions in relation to countryside access provision, even within the legislation and policy brought forward after World War Two (see Chapter Two). The customary habitus, in terms of access rights, was left largely unaltered in any fundamental sense. It has been economic and social restructuring in the countryside which has begun to reopen debates over legitimate claims and uses over land. Counter-urbanisation and the encouragement of 'active' citizenship has prompted articulate individuals and (single) interest groups who are prepared to challenge the limits and constraints of the customary habitus, and exercise alternative rights-claims over land, be they claims that have the force of law, claims with their basis in custom or moral theory or new/emergent practices.

Recently the efforts of government, public agencies and interest groups, concerning countryside access, have turned to focus on rights of way. This increased attention, coupled with the fact that rights of way are legally defined rights of the public (but with shared responsibilities concerning upkeep or alteration) indicates that using

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<sup>1</sup> The lack of public awareness prompted the Countryside Commission to produce a booklet of that name (Countryside Commission, 1988).



rights of way as one of the foci for the empirical work may yield interesting results in terms of citizen action and the way in which various actors mediate rights.

### *iii. The Present Political Context: citizenship and citizen action*

The rôle of the state is changing with governance being reformulated. The responsibility for decision-making and policy formulation is being urged, by both politicians and academics, to a more local level *prima facie* to improve responsiveness and accountability in the political system (and in turn that of policymakers and planners). In relation to this thesis the centralisation of power, coupled with recent shifts toward more local power-sharing, requires an increasing rôle for 'active' citizens (see Chapters Six and Seven). Within this restructuring of governance there has been a sustained erosion of second tier local government power and a rise in the influence of Quangos in governance (see Stewart & Stoker, 1995). The Conservative Party under the leadership of Margaret Thatcher and now John Major has attempted to arrange government in such a way that there is little available (powerful) institutional resistance to the political ideology of the political party in power <sup>2</sup>.

Questions regarding institutional arrangements need also to be partnered with questions regarding the agency and nature of the people who do, and who will, take part in local politics and participate in public life. These 'public' or active citizens (Butcher *et al*, 1993) are increasingly likely to be called upon to take part in public affairs. Exhortations by government makes extensive use of 'rights talk' with the emphasis usually placed on the responsibilities of the citizen. In the recent Rural White Paper the extension of 'active' citizenship in the countryside and increased responsibilities for parishes is set out:

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<sup>2</sup> Local Government has lost many powers over the last seventeen years. A classic piece of legislation to illustrate this is the 1980 Housing Act which gave the 'right to buy' to local authority tenants and at the same time restricted Councils' ability to build new houses from the profits.

"Responsibility starts with individuals, families and local communities. We will encourage local initiative and voluntary action and we will involve rural people in more of the decisions which affect their daily lives. Local people are generally best placed to identify their own needs and the solutions to them. For its part government aims to work in partnership with local people rather than impose top-down solutions."

"To encourage parish councils to be more active, we will: introduce legislation at the earliest opportunity to provide a framework of formal consultation between parish and district and county councils..."

(DoE/MAFF, 1995:p2)

This strategy leaves a range of questions to be answered concerning the legitimacy of citizen participation. The agendas that may be pursued by individuals, and issues concerning the ability of minority or marginalised groups to participate effectively, in formal local politics are not adequately addressed in such policy statements. These latter groups often contest dominant images of the rural in the countryside as, in some instances, do middle-class immigrants to the countryside who can effectively make their voices heard. The main difference is that one set of people operate 'outside' of legitimised citizen action while the other set of people operate 'within' state set parameters. The instance of countryside access, because access to land is controlled through a variety of formal and informal mechanisms, show the way in which local action can affect the habitus and how dominant groups react to 'active' citizen participation. Alternatively it can be the case that the dominant groups appropriate the 'active' citizenship mantle within a particular community or locale; again as part of the historical customary habitus.

#### *iv. Cultural Fragmentation, Sub-cultures and Protest*

The construction of the Liberal citizenship envisaged by John Major's government has been exclusionary towards certain activities or sub-cultures, portraying a narrow conception of what the 'good' citizen is. Chapter Four illustrates that there are many instances where citizens, often with different value systems to those presently in power, exercise what they view as responsibility for, particularly (in the cases illustrated), the environment. The 1994 Criminal Justice Act is aimed at a number of



other activities and groups whose lifestyles (and use of land) conflict with governmental conceptions of 'good' citizenship. The discussion of present day protests illustrate alternative conceptions of 'good' or 'active' citizenship: they are often in conflict with dominant rights distributions. Chapter Four, particularly, provides a counterfoil for the legitimised/insider forms of participation considered in chapters Six and Seven. This shows how certain groups resist being brought into a system of participation in which they have little faith (see Figure 4.2). The type of actions and the groups who are involved in 'outsider' action would form another area of further empirical research.

## 5.2 Researching the 'Active' Citizen

The first four chapters set out how citizenship has developed in the English Countryside over the last three hundred years or so. Van Gunsteren (1994) asserts that government action can be measured in terms of its effect on citizenship or the citizenship 'envelope'. It is the case that the actions of citizens themselves has effect on government policy and the way in which policy is implemented. There exists, to a certain degree, a reciprocal relationship between the state and the individual. This is, however, structured and translated by powerful interests, including the state, to suit their interests (see Clegg, 1989; Abercrombie *et al*, 1984; Habermas, 1976). In this instance part of the political project of the present government is to urge citizens to be 'active'; invoking self-help rhetoric, emphasising the need for citizens to act upon their responsibilities (both formal and informal) rather than being the passive recipients of rights.

### *i. The Theoretical Framework of Citizenship*

Whilst considering how to investigate citizenship in the countryside, through empirical study, it became clear that there were two easily identifiable approaches to its closer study: firstly through the investigation of policy that invokes self-help rhetoric and secondly, through citizen action. As a consequence of present

government attitudes towards citizenship there exists scope to examine both policy and citizen action through the critique of policies which enable or prompt such citizen action. These illustrate the way in which 'active' citizenship is being enabled and structured and the form that 'legitimate participation' takes under the present Conservative government.

This research, however, can only accommodate a certain range of the multiple aspects available for study in relation to citizenship and citizen action. This thesis concentrates on the policy aspect of citizenship in the countryside while acknowledging and explaining other allied aspects of citizenship and citizenship theory where necessary and appropriate.

The increase in interest in citizenship and the theoretical developments since Marshall's definitive work (see; Marshall & Bottomore, 1992) were discussed in length in Chapter Three and the political construction of citizenship, in terms of the 'active' citizen and the 'consumer-citizen', were introduced in Chapter Four. How can that theory be applied? What relevance does this have for the operation of planning and policy concerning land-use?<sup>3</sup> The current drives, at governmental level, to make (local) public policy more accountable, more responsive and to 'empower' citizens requires attention for a number of reasons. Who are the active citizens? Who are the people who (attempt to) participate and what are the policies or systems that support or deny access into public policy and planning? Crucially what does the notion of being an 'active' citizen actually mean - both in theoretical terms and in application through policy or everyday social interaction? And how is that expressed in the rural arena?

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<sup>3</sup> The term 'Planning', here, is used liberally to take in functions that are part of the informal planning system as well as the formal or statutory planning system.



## *ii. The Research Questions*

The empirical research needed to address several research questions. These questions generally concern the rôle of the active citizen in the countryside and the use of citizenship rhetoric in countryside policy. Who are the 'active' citizens? In what way do active citizens influence the policy process, if at all? What are the implications for planning and policy? What do the various actors make of increased participation in public policy and how do they react to policy aimed at citizen 'empowerment'? In theoretical terms how does such citizen action square with Liberal citizenship and what effects do these forms of participation have on rights in the countryside? What different types of citizen action fall inside or outside of the Majorite conception of the 'active', 'good' citizen? To what extent does the social and economic restructuring underway in the countryside influence the nature and extent of citizen action? And to what extent does citizen participation reflect social and cultural change in the countryside and the wider economic and political changes being wrought at the national and international level?

The objects of study needed to fulfil several initial criteria. They should be; concerned with countryside access and recreation, and be examples of 'active' citizenship influenced or enabled though countryside policy. One study should be formally supported or funded by government and another should be more organic, developing it's own impetus. These were informed from the consideration of the contemporary political rhetoric surrounding active citizenship, the historical distribution of rights, past and present policies and current trends in governance.

## *iv. Countryside Access Liaison Groups and the Parish Paths Partnership scheme*

The research questions imply the need to consider at least two examples of policy or practice which involved elements of citizen action. The formalised Parish Paths Partnership scheme (P3), begun in 1993, was identified as part of formal government policy (DoE and Countryside Commission), and which explicitly encourages active

citizenship and empowerment as part of its *raison d'être*. On the other hand the informal incidence of Countryside Access Liaison Groups (CALGs) seemed *prima facie* to represent an example of 'organic' citizen action. That is to say where citizens were involved with policymakers and policymaking, regarding countryside access and recreation, in an informal or *ad hoc* way. The issues that are explored concern the background and policy network surrounding CALGs and P3. Below, specifics of both CALGs and P3 and the methodology used for each is outlined (see also Chapter Six and Seven).

The research conducted in Chapters Six and Seven (Countryside Access Liaison Groups and the Parish Paths Partnership scheme in Gloucestershire respectively) attempt to engage with these research issues looking at countryside access in particular as a microcosm of citizen activity and the power relations surrounding such participation. The methodology used in the parallel studies are described below.

### **5.3 The Research Methodology**

#### *i. Combining Research Methods*

When research began, on CALGs in 1994 and with P3 in 1995, there was little existing research data. The methodology adopted, bearing this in mind, was to use a mixture of orthodox research tools so that a good general knowledge of the object of study could be derived. Each of the two empirical parts of the research project involved a questionnaire and a series of semi-structured interviews.

The two elements of the research used similar methods. Both qualitative and quantitative approaches were utilised in order to capitalise on inherent advantages that each approach offers. Questionnaires can prove problematic, in terms of eliciting in-depth and reflexive material, unless delivered personally and the researcher is persistent. This of course has time and cost implications. The interviews allowed the research to move with the responses in a reflexive way with some areas of questioning



developing and other receding as the main issues emerged. The approach taken therefore attempted to make use of a range of methods so that the data was good, both in terms of extensiveness and intensiveness, while being within practical limits of cost and time.

The range of methods used meant that some of the advantages of more quantitative techniques could be utilised in addition to the more qualitative data gathered using semi-structured interviews. Alternative approaches may be necessary for research that following a predominantly agency perspective. This may involve an extension of qualitative methods to incorporate ethnographic work, the assembly of in-depth personal profiles through action research or participant observation and 'series' interviews where actors are interviewed on a number of occasions (see Lowe & Shaw 1993). In this respect the work can be viewed as a foundation for further research into citizen action in rural planning.

## *ii. Intertextuality and Research Methods*

The research methods and the objects of the research necessarily influence and in some way constrain the scope and nature of the study (see below). These factors mean that elements of the theory expressed earlier in the thesis cannot be explored. There are areas of theory and citizen action that further research may be able to pursue more effectively using different methods, predisposed by the emphasis of the research, in relation to various actors and/or institutions (see chapter eight).

Inevitably, given the scope of the theoretical observations made in the first four chapters of the thesis and the possible research questions and approaches to those questions that could be applied, the selection of case studies would have significant bearing on the findings of the research. In the instance of citizenship analysis there are several options or trajectories that could be followed. In this thesis the decision to follow the empirical elements, outlined below, were taken because the thesis was

originally conceived as a countryside policy study; with an original emphasis on the analysis of the effect of policy on citizenship rather than the effect of citizen action on policy.

The different research approaches elicited different forms and levels of information. There was a large amount of pre-existing quantitative information available regarding the parish paths partnership (see PACEC, 1995) whereas the Countryside Access Liaison Groups required a large amount of background and quantitative survey work to gather enough information to adequately inform further qualitative methods.

The total amounts of information gathered from both tranches of the research became unmanageable in the sense that not all of the information gathered could be deployed in the thesis. Therefore decisions were required about how much and where to use the data gathered. The focus of citizenship acted here as a way of shedding information, through second order analysis (see Miles & Huberman, 1995), that did not or could not clearly equate to rights and responsibilities or citizenship construction set out in earlier chapters. It was felt, for example, that many of the comments made by CALG group members could not be used because they were either too concerned with background or issues tangential to the research or that the interviewee was removed from the trajectory of the research. Therefore much of the transcribed texts did not relate explicitly to the issue of citizenship and the manipulation, on all sides, of the process of citizen participation. The use and deployment of the data gathered using the qualitative and the more quantitative methods has therefore been utilised carefully and sparingly to illustrate points general to citizenship action and specifically to the foci of the research, the effect of policy, rhetoric and implementation and the reaction to policy on the part of the variety of actors involved in promoting or resisting policy with inherent effects on citizenship construction.



The precise methodology deployed in the two empirical tranches of the work is set out here.

### *iii. Countryside Access Liaison Groups.*

#### **a. Background Information**

Preliminary enquiries concerning informal access groups were made by writing to all of the English shire counties: the research was planned to cover England only. Initial letters were sent out requesting basic information from the counties concerning the Groups. These simply aimed to establish whether or not a group existed in the county, that involved landowners/farmers and user groups, meeting to discuss countryside access issues. At this stage the nature of the groups was defined to the highways authority deliberately loosely. They had to be forums where countryside access issues were discussed and where there was representation from users and landowners and the relevant highway authority on the group. Informal discussions were initiated with most counties to clarify responses and ascertain whether the groups that they had self-identified fell into the working definition of the research or whether they should be classified as the type of group considered in Chapter Four, Section 4.2.

#### **b. Methodological Components.**

##### Questionnaire

A questionnaire was designed bearing in mind the feedback and obvious omissions in background information following the preliminary enquiries (see Appendix 1). The main aims of the survey at this stage were to discover for how long the groups had existed, what the groups discussed, what interests were represented on the groups, what relationship existed between the group and the highway authority, and what benefits the groups provided.

The questionnaire was sent to the chairperson of each group. It became clear after feedback from some recipient authorities that some chairpersons were local politicians

who felt some degree of difficulty in completing the questionnaire. This related to the political nature of rights of way in the area and they did not wish to commit themselves to any particular point of view. As a result it was decided that the respondents to the questionnaire need only be a member of the Group. In practice this was usually one of the local government officers involved. This introduced a bias that would need to be balanced later in the project. The response rate of the survey was 80% of the Shire counties plus returns from several district groups. The authorities that did not respond to the postal survey had either acknowledged that no CALG operated within their area or provided other information, thus allowing some analysis from those areas. From this information coverage of basic points from all of the 33 shire Counties was made possible. The main areas of questioning regarding the groups were as follows:

- history and evolution of the CALG;
- the types of issues or problems which the groups get involved in and which of those are dealt with most effectively;
- various constraints on the groups;
- the rôle of individuals / small groups on the effectiveness of such CALGs;
- criteria of effectiveness: How/if groups provide 'value-added' in terms of informal or behind-the-scenes work to improve the system, conflict resolution;
- the power balance and the scope for groups having more institutional clout;
- future development of groups;
- possible difficulties/antagonisms within the groups.

These areas of investigation were designed to find out several main points: the nature of the groups' business, the remit of the groups, the formality of the groups and their access to powerholders. The next stage of the research was to conduct case studies into the nature and operation of selected CALGs.

### Case Studies

The case studies were undertaken in order to provide more in-depth information about the selected groups especially where there had been either a breakthrough on the part



of the group, where there had been antagonism or where the groups operated in a markedly different way from other groups. Selecting seven case studies allowed *prima facie* a range of CALGs to be selected. The face to face semi-structured interviews gave individual group members the opportunity to speak freely about the operation of the group and their own input.

The case studies were chosen after the initial stages of the research because it became easier to select a sample of groups at this point of the study. In order to ensure a degree of representativeness, main themes and profiles of the groups were drawn up. The main criteria for selection were; i. geographical coverage. ii. remit of the Group, iii. make-up of the Group, iv. the length of time they had been in existence, v. their apparent success or failure and of course, vi. the willingness of groups to participate further. This stage involved three main elements; firstly the observation and attendance at the meetings of the study Groups. Secondly, the analysis of past and current documentation e.g. agendas, minutes and stated aims and objectives of the case study CALGs. Thirdly, interviews of a sample of the group members totalling 50 interviews were conducted (22 face to face and 28 telephone interviews), therefore giving an average of seven interviews per group. Where possible, a range of interests was interviewed and in all cases the local authority was interviewed.

Four case studies were initially pursued following returns from the CALG survey above. Following consultation with the Countryside Commission and the *Better Way Forward Group* of the National Rights of Way Review Committee (NROWRC), three more case studies were added. The three extra case studies took in one metropolitan Group, one more Countryside Recreation and Access Group and another county-based Liaison Group, taking the tally to seven CALG case study groups (see Appendix 3).

## Key Interviews

In addition to the interviews conducted with CALG members a national view was required to place the groups into the national access policy context. The interviewees were drawn from the major policymaking bodies and interest groups at the national level totalling ten key interviews. These interviews provided important details concerning how the national interests used and manipulated the local players. They also provided information regarding the liaison/mediation system operative at the national level.

## Post-research Consultation

The research findings and the draft report were presented to the County Surveyors Society Countryside Working Group and to the *Better Way Forward* Group of the NROWRC, for comment and additional input. Both bodies have members who either are in direct contact with some CALGs or they themselves sit on a CALG. Those interviewed at the national level who neither sat on such a group or had contact with any also provided interesting comment on the politics of countryside access and rights of way and underlying tensions in the present system of rights of way management. Several of the *Better Way Forward* Group had already been interviewed at the Key interview stage. The comments received from these presentations was incorporated into the findings.

### *iv. Parish Paths Partnership scheme*

#### *a. The Background*

The P3 scheme was envisaged as the part of the research project which would examine who actually takes part in 'volunteer' work relating to access in the countryside and the politics of participation in this way. Background research looked at other volunteer groups at work in the countryside and the background to such work in Gloucestershire. This part of the research was essentially a county study because the literally parochial nature of the P3 scheme meant that a national survey would be



unmanageable and Gloucestershire had enough participating parishes to make a survey meaningful. In any case the recent national survey report conducted by PACEC was published in 1995 so there was national data to use and then relate to the Gloucestershire experience. Part of this approach eventually showed how much meaning is lost when a widescale and predominantly quantitative survey is presented as being the definitive performance of the policy<sup>4</sup>.

In this stage of the research more in-depth commentary on the way in which active citizens were employed was important. By researching one County it was possible to present a more fine-grained assessment of the P3 policy than had been the case with the official PACEC report. The P3 scheme *prima facie* presented a neat vehicle for research insofar that it fulfilled several criteria that fitted with the research topic. These involved how the policy:

- operated at a local level (i.e. parish);
- provided an example of 'active' citizenship in the countryside as advocated by central government;
- was specifically concerned with countryside access and rights of way;
- was designed to 'get things done';
- meant that established rights and responsibilities or status quo, in the countryside could be disturbed;
- involved clearly stated aims and objectives against which the policy could be assessed.

In October 1995 the final evaluation report concerning the P3 scheme was released by the Countryside Commission. The survey had been conducted by PA economic consultants (PACEC). The report was important because the monitoring of the scheme had been ongoing as a policy monitoring exercise for the Countryside Commission and was used to display the success or effectiveness of the scheme to the

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<sup>4</sup> The role of the PACEC study (1995) as intermediary (see §6.1), being used as justificatory text, for the policy being deemed 'successful' is interesting. This raises questions both about research methodology and output and the way in which such findings are applied as political capital.

Department of the Environment. The Gloucestershire survey, while testing the four main aims set out by the Countryside Commission, could be viewed in the light of the findings found within the PACEC research and a critique of that report developed.

The primary survey was conducted with the co-operation of Gloucestershire County Council rights of way section who, after negotiation, provided the dataset comprising the details of the 103 P3 co-ordinators within the county. These corresponded to each Parish involved with the P3 scheme in Gloucestershire. The responding Parishes were at various stages of involvement in the scheme; 6 parishes were in year one of the scheme; 13 in year two; 30 in year three and 24 had completed their official participation in P3 i.e. they had joined in 1992/3.

## b. Methodological Components

### Questionnaire

The questionnaire was sent to the 103 parishes participating in the P3 scheme in Gloucestershire with an explanatory covering letter (see Appendix 4). The notion of sending out more than one questionnaire was considered and then discounted. The reason being that there would be difficulty in controlling the sample; weaker parishes (in terms of the number of active participants) would be represented proportionately less in the survey than stronger parishes who had numerous active participants. After discussions with the rights of way officer with responsibility for the P3 scheme in Gloucestershire it was agreed that the survey be advertised in the county's rights of way and conservation magazine *Grassroutes* (Gloucestershire County Council, 1995b; see Appendix 5) in order to ensure a good return rate. The eventual response rate was just over 70%. The main areas of questioning were as follows:



- posts or Positions held locally;
- membership of Interest groups;
- involvement with P3 scheme;
- involvement with rights of way *per se*;
- other actives or casuls involved locally;
- rôle of contractors;
- relationships within the local community;
- socio-economic background.

### Interviews

The interview stage of the research, in similar fashion to the CALG research, required interviews with P3 participants and policymakers in order to get more detailed information about the scheme in Gloucestershire and secondly to set the national context for the policy. Eleven interviews were conducted with people specifically involved with the P3 scheme. These were; the Countryside Commission P3 officer, the County P3 officer (Gloucestershire), the Cotswolds Countryside Service officer, Four Parish Paths Liaison Officers (PPOs) and Four P3 Co-ordinators (Gloucestershire). The interviews were conducted as semi-structured interviews devised to suit the interviewee's position. As with the interviews conducted as part of the CALG research, confidentiality was promised to all interviewees. The information gathered from the eleven interviews was extensive, and coupled with the P3 survey results, provided a clear overview of the Parish paths partnership scheme in Gloucestershire and the motivations and issues which had generated the policy.

## **5.4 Conclusion**

The following chapters, constituting Part Two of the thesis, apply the theoretical observations made in Part One in terms of the rôle of the 'active citizen' operating within contemporary policy. The effects of this citizen agency, in relation to the political rhetoric of empowerment, individual self-help and public participation found in present policy initiatives such as the Parish Paths Partnership scheme (Chapter Seven) and within organic groups such as Countryside Access Liason Groups

(Chapter Six), is analysed. Both chapters focus on rights of way issues reflecting the fact that at the time of writing rights of way are high on countryside policy agendas and they illustrate well, struggles over *de facto* and *de jure* rights in the countryside. Chapter Eight acts as a synthesis where the above points are discussed assessing the findings of the preceding chapters and discusses the implications for rural policy and for citizenship in theoretical terms.



## Part Two

## Chapter Six

### *Active Citizenship 1: Countryside Access Liaison Groups*

"The technocrat knows best. Without anyone actually saying so, the citizen is eliminated as participant. He or she is there to be managed."

(Saul, 1992:p125)

#### **6.0 Introduction**

Part One of this thesis set out the development of countryside access opportunities in England and the development of citizenship in the UK. The intention throughout this thesis has been to explain how policy affects citizenship and *vice versa*. In this Chapter this is continued here by looking into the operation of Countryside Access Liaison Groups (CALGs). They are conceptualised here in terms of actor-network theory; focusing on the contemporary 'active' citizen operating in the context of countryside access. Relating the operation of CALGs to the exercise of citizenship and citizen participation in countryside access matters and to set out an example of how citizens or actors and 'macro-actors' can and do, affect policy - thus how policy and citizenship, policy-makers and citizens are engaged in reciprocal relationships (Callon & Latour, 1981; van Gunsteren, 1994). It is also shown how influence in the policy process is often denied to the public and some participation measures can be façadist (Gyford, 1991; Fagence, 1977).

#### **6.1 The Context**

##### *i. A Dearth of Information*

In advance of the research being conducted it was not clear what purpose exactly the Countryside Access Liaison Groups were intended to serve - there was very little pre-existing data, previous research or other published material regarding their operation (even though some of the CALGs are now known to have been in existence since the mid-1970s). On the basis of initial enquiries it was assumed that



the CALGs served functions of liaison and consultation; acting as a means of discussing issues concerning the provision of recreational access opportunities between various parties with an interest in such access.

The other important initial premise of the research was that the groups existed because they were mutually beneficial to the participants (or that there was the potential for the CALGs to prove beneficial) and involved some element of 'active' citizenship participation. Following preliminary discussions with local authority officers and Countryside Commission staff these initial premises seemed to be confirmed (see, Chapter Five and Section 6.3 below). It became clear as the study of the groups developed, that the CALGs were a widespread phenomena, little researched, with a potential to effect change in countryside access provision and to assist in developing policy both by refining policy proposals made by local authority officers and also as a means of providing legitimation for those policies.

For the purposes of the research a Countryside Access Liaison Group was initially taken to be any group that fulfilled two broad criteria; that the group concerns itself with matters relating to countryside access and/or rights of way and that the CALG incorporates representation from user/interest groups, landowners/occupiers and local Highway Authorities. The CALG concept is one that applies to groups that operate as an advisory or consultative body which deliberates (over any rights of way or countryside access policy issues over the whole area of the relevant Highways Authority jurisdiction). Other place and time specific countryside projects have developed 'liaison groups' as part of the process of achieving their own goals in relation to countryside access, they are not considered here.

## *ii. The Idea of 'Countryside Access Liaison Groups'*

The principle of advisory groups is clearly advocated by both the Countryside Commission and the Country Landowners' Association. The Countryside Commission have viewed Countryside Access Liaison Groups as a 'good idea' for some time:

"We have very little feel for exactly what they [CALGs] do, how often they meet, what the tensions are and so on. We have ideas and suggestions but we have virtually no empirical data on them. The natural feeling is that they are a good idea."

(Countryside Commission Officer, Interview 3)

The idea of developing CALGs has been referred to by both the Countryside Commission and the Country Landowners' Association respectively:

"[the Commission] will encourage greater use of advisory groups to assist local authorities in developing policies for rights of way and to bring forward and consider individual proposals for changes in the network. For a group to be effective it will need to represent a balance of interests and be given a degree a of status by the local authority." [original emphasis]

(Countryside Commission, 1989:p17)

Following this 1989 advice by the Countryside Commission the Country Landowners' Association produced an updated access policy which featured the concept of CRAGs:

"The CLA recommends that Countryside Recreation and Access Groups (CRAGs) should be formed to secure better communication and effective action. These should bring landowners, occupiers, user groups, local authorities and statutory agencies together to address local problems and opportunities."

(Country Landowners Association, 1991:p19)

The Countryside Commission and the local Highway Authorities (mainly at County, National Park and Metropolitan Borough level) are the statutory bodies for the promotion and care of the rights of way network and other forms of countryside recreation and access provision (Riddall & Trevelyan, 1992)<sup>1</sup>. The development and

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<sup>1</sup> Responsibility for elements of maintenance of the rights of way network lie with the relevant landowner. Some rights of way functions are vested at the parish level (see Chapter Seven).



encouragement, on the part of local authorities, of CALGs are part of a process to assist in implementing the *Enjoying the Countryside* policy objectives set by the Countryside Commission (Countryside Commission, 1987; Groome, 1993). There has recently been a movement towards harnessing the interest and approaches made by active persons or other interested parties by local authorities. In the case of CALGs, this is done *prima facie* in order to obtain better relations, negotiations and advice concerning the rights of way network and the provision of countryside access (see Chapter Seven; Countryside Commission, 1994c; DoE/MAFF, 1995).

### *iii. The Idea of Public Forums: Empowerment or Façadism?*

The notion of public participation in land-use planning is based on the premise that planning can gain legitimacy and be democratised through such participation. The ways in which this might be achieved are various and subject to some debate (see Stewart, 1995; Healey, 1992). In this context it is pertinent to consider the recommendations which were made in the 1969 Skeffington report on public participation in planning. Fagence (1977:p265) outlines some of the main points:

- "- public comment and representations should be accepted into the planning process continuously;
- local planning authorities should convene community forums;
- participants should be informed of the use of their representations and;
- participation should have a diversity of expressions."

The above recommendations are clearly relevant to the development and operation of Countryside Access Liaison Groups<sup>2</sup>. The Skeffington report makes an important distinction between "the active minority who take part in influencing community affairs" and "the passive, who although deeply affected by decisions, do not make their voices heard because of diffidence, apathy or ignorance of what is going on" (Skeffington report 1969, paragraph 59). For the 'actives' essentially conceived as organisations, the report recommended the creation of **community forums**: "to

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<sup>2</sup> The development of 'citizen' forums is widespread although they vary in their composition in terms of 'lay' persons and 'experts'. See Chapter Four, where an environmental forum advised *Tarmac* to pull out of the Newbury by-pass project (Brown, 1996a,b).

promote useful and usable discussion between the local authorities and the identifiable groups" (Fagence, 1977:p266). The report does not put forward any rigid format for such groups, it states that suitable formats should be developed to suit local conditions.

The emergence of CALGs represent an example of this type of forum<sup>3</sup>. Negotiations concerning (rural) land use have long been conducted through informal or 'behind the scenes' discussion and persuasion (see for example; Cloke, 1987; Cloke & Little, 1985; Ambrose 1986; Brindley *et al* 1989). This reflects the tendency for land use matters, regardless of their 'urban' or 'rural' setting, to arouse public interest and political controversy. Therefore such mechanisms for consultation or liaison were likely to develop, given encouragement, for a variety of land use planning related matters. The intentionality of the Skeffington report recommendation was that more real involvement of the public in decision-making concerning land-use planning should be developed. Such power-sharing has proven problematic in local government: few people get involved and those who do are normally attempting to preserve their own interests in opposition to the 'public interest'; which is nominally being pursued by planners (Wright, 1994; Gyford, 1991; Simmie, 1974; Davies, 1972).

There is an important distinction to be made between participation measures that have been described as cosmetic and those which do involve some shift in decision-making power:

"There is a general point that relations between the public can vary from 'keeping them happy' (but in the dark?) to allowing them an active share in decision-making."

(Gyford, 1991:p53)

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<sup>3</sup> It is important to note that the Skeffington proposals were directed at development planning, if not solely, at *urban* planning. The emergence of CALGs in countryside planning is a spillover from mechanisms developed to consult in development planning. See, Brindley *et al* (1989).



This 'façadism' versus 'empowerment' thesis is often problematic to disentangle: situations of pure tokenism or of citizen control at the two ends of this continuum are rarely found. Rather, efforts are made in many local authorities to incorporate public participation and those efforts involve varying degrees of 'empowerment'. Such strategies are rendered ineffective or are not pursued determinedly, for a number of reasons and motives, for example; political legitimacy and the appropriate balance between representative and participative democracy, managerial accountability of local authority officers and political accountability of elected members, the potential cost implications of empowerment strategies and similar issues concerning the consumption of time.

Three main political parties in the UK have policy programmes that notionally invoke greater public participation and empowerment. The Conservative party approach during the 1980s was to centralise power and funding whilst emphasising and encouraging individual responsibility and 'active' citizenship: the discourses of Thatcherism effectively downgraded political participation, relying instead on market arbitration. During the 1990s the Major administration has endeavoured to make public services more accountable, through the *Citizens Charter*, and recently by advocating devolved responsibility and encouraging 'active' citizenship at the local level (using the *Parish Paths Partnership* scheme as a cited example; see, MAFF/DoE, 1995). This change in policy is set against a continuing public expenditure squeeze that has continued throughout successive Conservative administrations. It has been suggested that such streamlining has led to less participation in the process of planning (Thornley, 1993). In Chapter Seven below, it is suggested that the 'active' citizenship envisaged by John Major is one based on self-help rather than political participation.

#### *iv. Actor-Networks: Representation and Rural Politics*

In order to explicate the participation of active citizens in the CALGs and the relations between the members of the group generally, the chapter draws on actor network theory. This theory helps to set out how actors construct and represent their interests. The various component parts of actor-networks are; the actors, the intermediaries and the network itself. The conceptual 'intermediaries' are typically finance or other resources or texts/information, these provide one aspect of the dynamic of the network, these act as lubricants or catalysts. The network itself is the range of actors that exist and interact in a particular policy context, their relationships to each other and the intermediaries that are at their disposal (Callon, 1991; Parker, J. & Selman, 1996).

The notion of 'black-boxing', developed by french sociologists Michel Callon and Bruno Latour (see Callon & Latour, 1981a,b; Callon 1986a,b), refers to the process of marshalling other actors and their interests in such a way that they can rely on the 'support' of other actors or that other oppositional actors think that such support has been enlisted to the cause of the 'macro-actor'. These labels are explained by Callon & Latour (1981:p285-6) thus:

"An actor grows with the number of relationships he or she can put, as we say, in black-boxes. A black box contains that which no longer needs to be reconsidered, those things whose contents have become a matter of indifference. The more elements that one can place in black-boxes - modes of thoughts, habits, forces and objects - the broader the construction one can raise. Of course black-boxes never remain fully closed or properly fastened...but macro-actors can do *as if* they were closed or dark...macro-actors are micro-actors seated on top of (leaky) black-boxes." [original emphases]

The different actors who are involved with the network (CALG) can be described as macro-actors or micro-actors. The macro-actor<sup>4</sup> represents the interests of other actors and therefore they draw power from them. Macro-actors are those players who have effectively 'black-boxed' the interests of others by enlisting their support and have consequently grown in stature and authority. The intermediaries at their

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<sup>4</sup> A form of *Leviathan* in this sense.



disposal may also assist them in the process of growth. The process is permitted by the *translation* of interests by the macro-actor (Callon, 1980;1986a,b). This involves political manoeuvring, the imposition of the views and agendas of the macro-actor or the enrolment of interests of other actors this helps shape the 'actor-world' (Clegg, 1989).

The micro-actors represent their own interests and are reliant on their own resources. In certain situations, as Callon & Latour point out, the micro-actors can rise in stature to become macro-actors. The blackboxing process affects the habitus - the 'thoughts, habits, forces and objects' - and therefore the exercise of rights and responsibilities.

In the context of CALGs; representatives of the Country Landowners Association, the National Farmers Union, the Ramblers Association and the Highway Authorities, represent macro-actors in the countryside access policy network. Several intermediaries are easily identified; the relevant policy documents, the state funding of countryside access provision, the 'expert' knowledge of various actors and crucially the ability of actors to use or threaten to invoke legislation which codifies rights and responsibilities or *de facto* duties or obligations operative within particular localities.

The CALGs are a mixture of actors who come together in one place at one time to represent their interests. The way in which interests are represented has been identified, by Marsden *et al* (1993), as an important element in rural restructuring:

"the development and reproduction of representations are central to the pace and direction of commoditisation and thus to the macro-economic restructuring of production and consumption; and in empirical terms it is important to develop how representations flow along networks (for instance those associated with institutional, economic or political agencies) and how such networks are able to effect change."

(Marsden *et al*, 1993:p31)

"Membership size is a significant issue for any group claiming representative status the more inclusive a group is for a particular population, the greater the authority it has in defining and promoting the interests of its constituency, encouraging other authoritative organisations to recognise its claims to representative status and discouraging the formation of rival groups. At the same time, government increasingly looks to those groups accorded consultative status not only to represent but also to aggregate interests."

(Marsden *et al*, 1993:p35)

The CALGs are denied or lack power, however as discussed later, they often have influence through a process of brokerage and persuasion - black-boxing. The research examines the specific nature of the groups - they are an unresearched phenomenon - and, in the light of the previous chapters, the way in which they are or are not able to effect change. This leads to an analysis through actor-network theory of why they have developed, how they have behaved and how this relates to the construction of citizenship in the UK. The CALG research is further theorised at the end of the chapter.

## 6.2 The Research Findings

### *i. Research Aims*

Here Countryside Access Liaison Groups were conceptualised as forums where active citizens attempted to engage with policy makers and power holders regarding countryside access and recreation. The research aimed to investigate the nature of the groups, their actions and in terms of the way in which the various actors interacted. This necessitated investigation of the aims, objectives and what the achievements of the CALGs were (see Appendix 2). Secondly to investigate their development and the business conducted via the groups. This allowed analysis of the structure and operation of the CALGs and the application of notions of 'active' citizenship and public participation in policy making to the groups.

When analysing the operation of groups, especially informal groups, it is often impractical to provide quantitative data regarding their effectiveness (see Chapter



Seven; PACEC, 1995). Much of the effectiveness of CALGs is *prima facie* their ability to bring people together who represent various disparate interests and who, in the past, have been in conflict over the provision of countryside access (see Watkins, 1996). The groups aim to inform the different interests and to create a positive atmosphere so that issues of common concern may be resolved within this climate of constructive dialogue. In this respect the criteria of effectiveness fall into two categories; improved planning for access provision and political agency. These criteria include questions of whether more understanding of practical difficulties of implementation has been engendered, what that means on the ground for Highway Authorities and in what way participants (macro and micro-actors) have influenced the decision/policy-making process. This latter point is important; it is 'empowerment' and enrolment that are central to the analysis of citizenship pursued here.

## *ii. Findings of the Preliminary Research*

It was unclear how widespread the groups were at the outset of the research: initial soundings included canvassing all of the English Shire counties to gain some idea about whether or not some form of group existed within their area, and discussions with the Countryside Commission to ascertain what was already known about the Groups. The Countryside Commission's *Local Authorities Expenditure on Rights of Way survey 1990-91* (Countryside Commission, 1993a) took first steps to uncover the extent of CALGs by including two questions concerning 'rights of way liaison groups' in that survey. The findings of that survey, concisely put, was that 27 of 33 English Shire counties operated some form of rights of way liaison group during financial year 1990-1991, with 18 from 168 district councils doing similarly and 29 (41%) of metropolitan authorities operating Groups and likewise with four National Parks in 1990-91.

CALGs operate on the periphery of an often complex bureaucratic framework involving local authority committees and other advisory groups concerned with issues touching on countryside matters. There are other countryside groups whose work also involves the mediation of interests in relation to countryside access. For example there are Joint Advisory Committees (JACs) that deal with matters concerning the administration of AONBs and which in some respects also resemble CALGs. There are also project groups, operative in many local authorities, that consider a range of issues, with countryside access as one of many of their concerns. There are a range of bodies who liaise over countryside access in one form or another (see Figure 6.1).

Figure 6.1 Who Liaises With Whom?

Levels of 'Public' Participation in Access Provision
Parish Paths Partnership liaison groups and liaison meetings held by local fieldworkers.
Liaison groups at the District or County level (CALGs).
Regional liaison between officers and regional County Surveyors Society groups (no micro-actors).
County Surveyors Society Countryside Working Party (minority interests represented).
The <i>Wales Access Forum</i> . (feeding across and upwards to other groups - no English equivalent, minority interests represented)
National liaison through the <i>National Rights of Way Review Committee</i> and the <i>Better Way Forward Group</i> . (No minority or micro-actors represented.)

The *Neath Local Access Project* set up in 1985 represents an example of experimental countryside access liaison playing a role in policy making. The consultation was being utilised in order to examine the possibilities of local involvement in the preparation of an access strategy and its implementation (Land Use Consultants, 1991). In the Neath experience the use of liaison groups was part of



the overall project to prepare an access strategy for the area. The Neath liaison groups had a particular focus - to develop a strategy for the area:

"to examine existing public access in the study area, to identify the problems and opportunities and to prepare a strategy for the area which would, when implemented, lead to the resolution of access issues to the benefit of those seeking improved access, landowners, and the local and statutory bodies concerned."

(Land Use Consultants, 1991:p16)

The Wales Access forum (Land Use Consultants, 1995) set up a working party in 1983 to: "examine the procedures which could be adopted to help resolve access issues at the local level" (Land Use Consultants, 1991:p4). The working party selected Neath as an experimental area to investigate this possibility with the partnership of the Countryside Commission, West Glamorgan County Council and Neath Borough Council. As the project developed three liaison committees were set-up; i. the Neath Local Access Committee which comprised mostly representatives from the larger interests and various local government authorities or Quangos, ii. the Users Forum (which met approximately five times after its inception in 1986) and iii. the Community Action Group (comprised of the community councils and other environmental groups this focused on the organisation of work on the ground). The Neath experience informed many of the policy bodies involved in countryside access and stimulated the calls in the late 1980s and early 1990s for more liaison and consultation. One of the main recommendations from the consultants report was:

"This access committee should in our view continue to form the main focus of the project...the access committee could perhaps operate equally well as a liaison group or advisory forum to the County Council."

(Land Use Consultants, 1991:p54)

The report emphasised that arrangements to liaise and consult with users and landowners should form an important part of a local authority access policy. However the report states that arrangements such as these should be allied to the preparation of access strategies and to structure or local plans. The report acknowledges that rights of way have historically been treated as 'Cinderella'

responsibilities with inadequate resources and a low political priority (Land Use Consultants, 1991:p47). Liaison arrangements made by local authorities would be unlikely to resolve local access issues without addressing wider issues of access management and funding (Curry, 1996). This echoes later findings and is discussed in Chapter Eight.

National consultation has some precedent in countryside access matters; one of the most striking examples of recent times was the Common Land Forum of 1986. That Forum included representatives from all of the main interests and bodies: the assembled 'expert' panel reached agreement that legislation was required to extend public access to common land (Common Land Forum, 1986). The government of the time promised to prepare appropriate legislation to follow the recommendation. However, no such bill was prepared and now, eleven years on, no legislation is in prospect. This perhaps, is a sobering reminder that no matter how successful consultation or liaison is, it is not binding: without the political will of government to act upon recommendations such efforts are likely to falter. The Callon & Latour (1986) actor-network theory analysis indicates that in this instance the 'black-boxes' did not remain closed; immediately after the Common Land Forum had reached agreement, part of the landowning interest disengaged itself from the Forum's recommendations. The Moorland Association was set up in 1986 and began a campaign to ensure that the Government did not legislate on the matter - on the basis that cross-party agreement had not been reached. The reason that legislation has not been forthcoming is because there were a sufficient number of actors, influencing Government or other powerful interests, whose interests matched those of the Moorland Association.

The National Rights of Way Review Committee (ROWRC) acts as another form of national Countryside Access Liaison Group (see Riddall & Trevelyan, 1992). It comprises members from all of the main interests in countryside access and began



meeting in 1979 as an advisory committee assisting in the preparation of parts of the Wildlife and Countryside Bill - later the Wildlife and Countryside Act (1981). A sub-group of the ROWRC - the *Better Way Forward* group<sup>5</sup> is where the select interests, or macro-actors, sit in caucus as micro-actors for the purposes of the discussions. The key actors in the discussions between various national organisations meet 'as individuals' rather than as representatives of their organisations to discuss policy issues. The 1990 Rights of Way Act came about through a series of coincidences; the Better Way Forward group were the people who had pre-prepared the Bill that was subsequently taken through Parliament by Edward Leigh MP (see Chapter Two).

### *iii. The Extent and Age Profile of CALGs*

Information was obtained from all of the English highway authorities concerning the existence of an access group within their respective counties: when it was formed, how often it met and so forth. Some District Councils known to operate groups were also contacted at this point. It was established that (see Figure 6.2) of the 33 Counties in England, 28 operate some form of CALG. Counties with no overall Group, or a liaison arrangement that fits the CALG definition, tend to liaise on an *ad hoc* basis or via project groups. Some counties stated that there were other arrangements made to liaise with the public or that there were CALGs within the county but located at the district level; in Avon and Hampshire at least one District Council operates a Group, rather than the County Council, therefore in those counties coverage of CALGs is partial.

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<sup>5</sup> Set-up following the publication of the 1991 Country Landowners Association document bearing the same name.



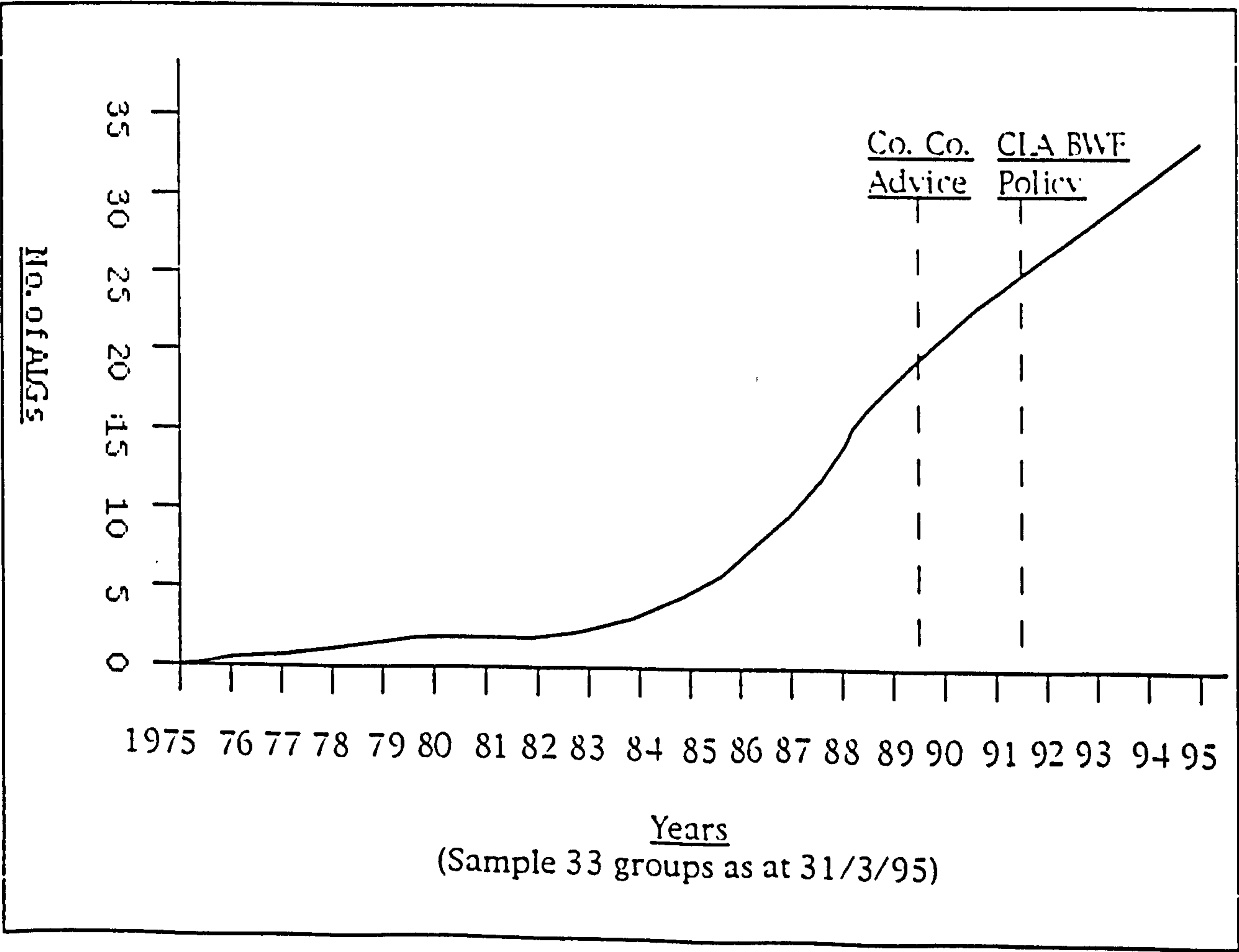
Figure 6.2 The Distribution of CALGs Across England





There are examples of CALGs extending their remit from being rights of way oriented groups to considering wider issues of access (Durham, Cambridgeshire). Others have simply grown in size (East Sussex). It is clear from interview data that some groups operate as Countryside Recreation and Access Groups (CRAGs), having attempted to reinvent themselves. The newer groups set up in the spirit of a CRAG group, as envisaged by the Country Landowners' Association, attempt to consider wider issues. Some CALGs operating as CRAGs have evolved gradually into their present state, others have been set up only recently as 'ready made' entities (Derbyshire). The groups surveyed have grown up over a period of some twenty years with a marked increase in number since the mid-1980s (see Figure 6.3).

Figure 6.3 The Surveyed CALGs Establishment Over Time



The current manifestation of many Groups appears to have evolved over a period of years pre-dating policy advice. It is clear that the Groups have developed over time, perhaps as part of a particular project, problem or issue. Many of the CALGs had their beginnings in *ad hoc* meetings with particular interest groups or landowners: those sporadic discussions later developing into regular 'group' meetings. Some groups stated that they formed more recently in response to policy advice documents either from the Countryside Commission or from the Country Landowners Association (Countryside Commission, 1989; 1993a,b; Country Landowners Association, 1991). In some cases the CALGs that exist have developed as individual local authority officers recognise the importance of multi-party discussions to develop policy, or when persistent lobbying by individual members of the public (or individual members of an interest group) result in such CALGs being instigated (e.g. Case Study #1). It was found that two of the case study CALGs were begun at the direction of the Local Authority elected members, putatively as mechanisms to render the authority more accountable to the public but also as a method of spreading/sharing the responsibility for local access problems. It is postulated here that the groups also provide convenient methods for both the Highway Authority and the macro-actors, such as the CLA, NFU and Ramblers Association, to placate and control the micro-actors who are attempting to re-open the black-boxes carefully closed by either the state or the large interest bodies. The differing macro-actors hold different interests and they, in turn, are attempting to re-open black-boxes sealed by other actors and so there is an ongoing process of attempts to (re)negotiate policy and therefore citizenship 'envelopes' and the habitus.

From the responses received in the questionnaire survey, many of the CALGs appeared to be almost entirely rights of way issues based - with little focus on any other countryside access/recreation facet - an observation reinforced at the case study stage. The preoccupation with rights of way is logical insofar that they have become the focus of attention for policy makers and are the main concern of many



countryside user groups (and of course because they are legally enforceable). Rights of way are predominantly where local authority time and resources are spent on countryside access in relation to statutory duties; but also as a reaction to complaints, maintenance and public path orders. Whilst many authorities may wish to extend their roles in the provision of countryside access and recreation in the wider countryside they often find this is curtailed by funding levels. Indeed in the CALGs survey respondents felt that the low resource base was a principal constraint in carrying out countryside access work. In terms of citizenship the rights of way focus of the groups is understandable because the user groups know they can argue over established *de jure* rights and that the various responsibilities for the enforcement and maintenance of those rights have been clearly allocated. Each party is relatively clear about their legal positions. Where this is the case the principles of accountability can be effectively applied (see Potter, 1988; Gyford, 1991)<sup>6</sup>. Efforts to make arrangements over permissive access or *de facto* rights are often dependant on individuals for their operation. Bonyhady (1987) recognises their deficiencies:

"*De facto* rights are...inherently a partial and unreliable substitute for public rights of access...The problem is that these 'rights' are no more than a result of parliament and the courts denying landowners an effective remedy for trivial wrongs."

(Bonyhady, 1987:p16)

As such the discussion of these forms of access did not feature prominently in the groups discussions. The functions of the groups are discussed below.

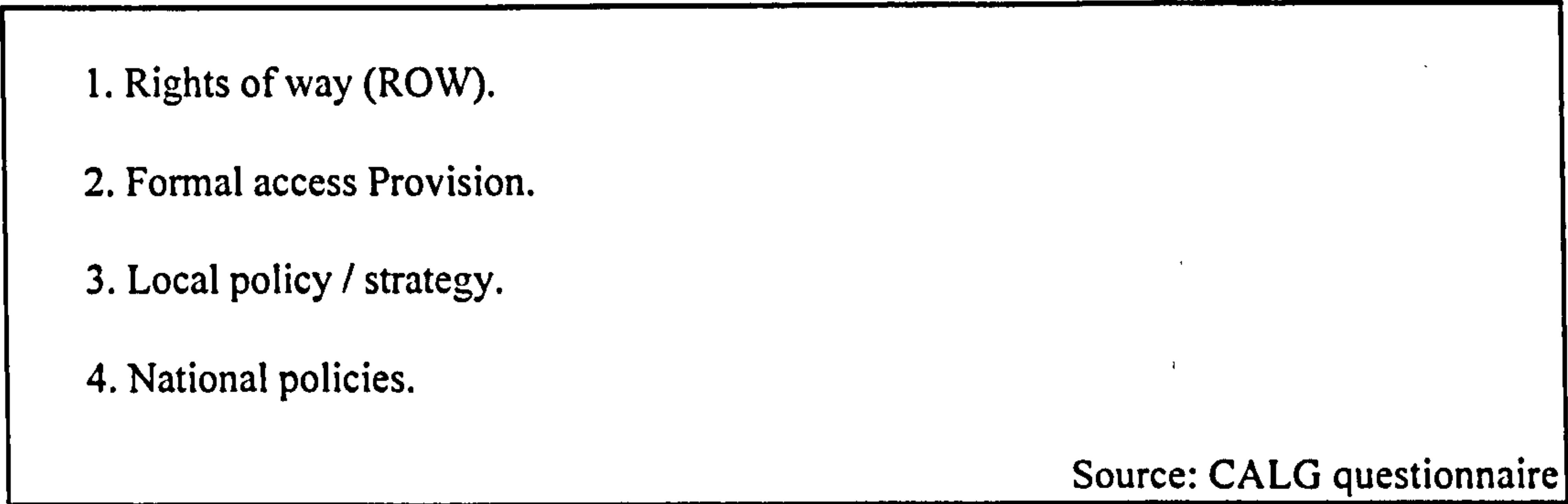
#### *iv. The Functions of the CALGs*

The matters that the groups discuss and get involved with were revealed in the survey as being focused mainly on rights of way issues, discussions on other matters were often reactive (see Figure 6.4).

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<sup>6</sup> These five principles are, putatively; access, choice, information, redress and representation.

Figure 6.4 Subjects discussed by the Groups (rank order).



The substantive items that the Groups discuss are often raised by the local authorities. This indicates that the local authorities are driving forces behind many CALGs, not only in terms of initiating and servicing the Groups, but also in terms of guidance and setting the Group's agenda. This point is expanded upon later. The opportunity for individual members of the groups to raise issues is also available at almost all group meetings. In only six cases could the public raise issues, either at meetings or via correspondence. Only four of the Groups surveyed would (theoretically) allow the public to attend their meetings. The interviewees questioned see themselves as 'informed' citizens or in the case of the professionals on the Groups; as 'experts'. The role of the Groups as advisory bodies for the 'host' local authority is a fundamental part of the culture of the Groups. The council officers sitting on the CALG guide them about issues that are and are not relevant and what should be legitimate concerns of the group - they attempt to macro-structure reality. One of the case study CALGs has a neutral chairperson, and this was viewed as an helpful innovation, the presence of an actor who does not have (or was perceived to not to have) an interest in discussions, assisted other members to develop a relationship of trust.

No respondent acknowledged new access as a benefit derived from the Groups (although it should be recognised that often new access can take a considerable period of time to plan, negotiate and then carry through). Many of the Groups are



relatively young and they meet quite infrequently normally between 2-4 times per year. It is also the case that *new* access provision falls far down the agendas of many members of Countryside Access Liaison Groups and also that new access provision may not be considered to be within the remit of many CALGs. Indirectly, some Groups have assisted in informing local authority policy regarding new access areas or routes, for example, to join gaps in the rights of way network or to form circular walks. This area of policy is confronted in only one of the case studies where new access routes are discussed and planned at the CALG meetings (see Sub-section 6.4ii).

The groups were questioned on the relative importance of various access issues nationally. Given the findings shown in Figure 6.4 it is unsurprising that rights of way were viewed as the most important access issue followed by access to open land, over-use of the countryside and the provision of designated areas. This shows that at present the groups are most concerned with rights of way issues and therefore view them as of primary importance. It is clear that underlying this is a wider concern to improve the quality and quantity of countryside access. When considering the same question, in terms of local access, the responses were similar. The respondents again indicated rights of way issues, designated access areas, over-use of the countryside and urban open space as important.

Groups can operate as valuable information bases for local authority officers in carrying out statutory duties. Some local authorities have decided that the groups can help save time and cost in maintaining the rights of way network, others acknowledge that the groups are often a good public relations exercise. It is possible that particular discussions can widen out to more general access or recreation affairs within a group which tends to concentrate on rights of way issues. Other Groups are set up on the understanding that wider issues are within its remit. Countryside Recreation and Access Groups (CRAGs) were conceived to act within a different

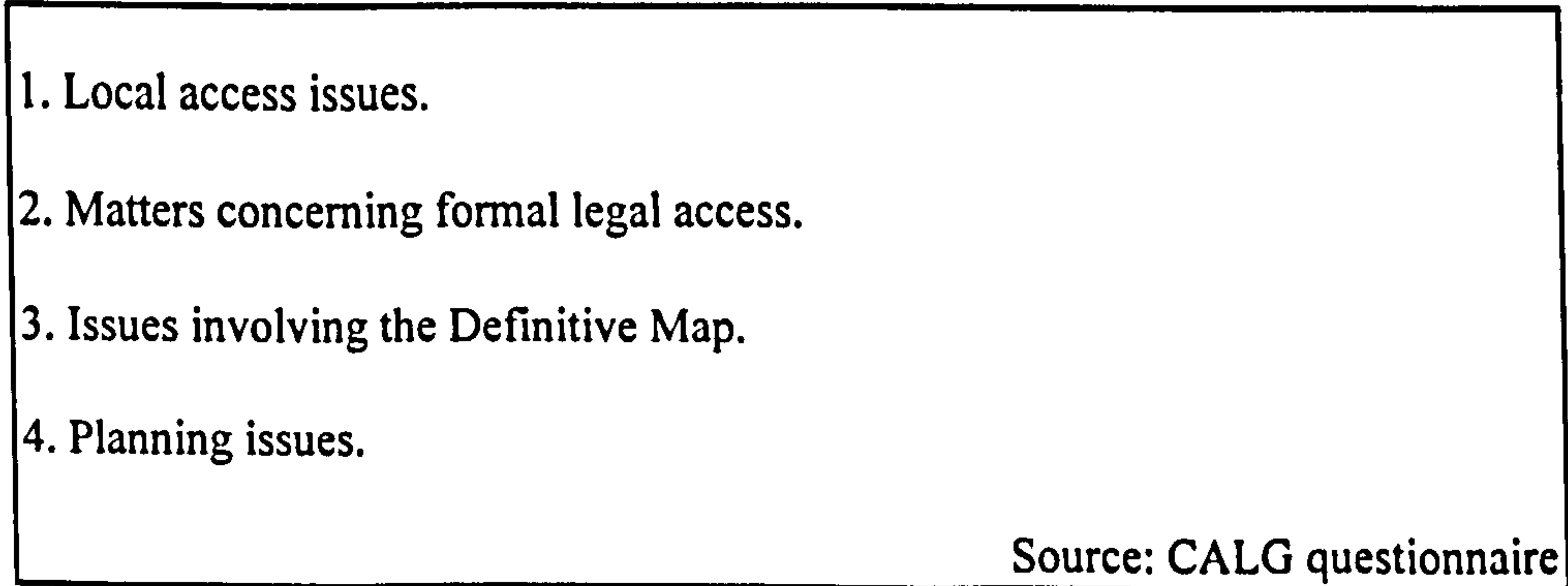
remit than that of rights of way dominated groups (Country Landowners Association, 1991). CRAGs were conceived to consider the full range of access policy issues in their area:

"The primary aim in establishing CRAGs should be to focus minds on recreation and access issues, not to take on the statutory responsibilities of local authorities...the broad aims of CRAGs should be: 1. To assess problems and opportunities with respect to recreation and access; 2. To prepare a strategy to resolve problems and develop opportunities for the benefit of users, landowners, local authorities and statutory bodies; 3. To ensure that adequate resources of staff and finance are available to implement the strategy; 4. To monitor results and review strategy accordingly.

(Country Landowners Association, 1991:p19-20)

This policy advice is relatively recent and although some CRAG groups now operate in this manner, interviewees on such Groups tended to indicate that much of their time at the Group meetings were taken up with rights of way issues. The issues that the groups discuss become peripheral to an analysis of their effectiveness or in terms of 'empowerment'. However, it is important to see what the groups focus upon as a method of understanding what their involvement is in influencing access issues. There was a clear message that the Groups' role in informing and forming the policies of other bodies was through discussion and compromise between interests - and thus (potentially) sending a unified, or macro-structured, message to resource allocators.

Figure 6.5 The Main Concerns of the CALGs (rank order).





When asked to assess their own success many of the respondents claimed that they had been successful against stated aims, a smaller proportion thought they had been partially successful with one respondent answering negatively at the questionnaire stage (the group in question no longer meets). At the case study stage individual members of the Groups' views on this question varied. The groups are all unique in some way or another, considering the informal and non-statutory status of the groups, this is perhaps inevitable. The aims or objectives do not follow any guidance or policy advice; this means that the self-measurement of success/failure or effectiveness are not necessarily based on the same criteria. There were some general threads running through the responses in relation to the rôle and effectiveness of the Groups; there was a general and almost universal feeling that the Groups had improved relations and understanding between parties involved, thus creating a better climate for access issues to progress. It should be stressed that this view was put forward by local authority officers, on behalf of the CALGs, in the questionnaire survey. To a certain extent, at interview, other members predominantly concurred with that view.

### 6.3 CALG Dynamics

#### *i. Management and Organisation*

"What makes the sovereign formidable and the contract solemn are the palace from which he speaks, the well-equipped armies that surround him, the scribes and the recording equipment that serve him."

(Callon & Latour, 1981:p284)

The groups are predominantly organised by Highway Authorities. County Councils convene most of the CALGs surveyed; this reflects the statutory function of the County as Highways Authority. Usually CALGs exist only at the district level where highways powers have been delegated to that level. This finding is echoed by the Countryside Commission local authority expenditure survey of 1990-91; "two-thirds of District Councils have not set up a liaison group because they feel that it is the

County Council's responsibility to do so" (Countryside Commission, 1993a:p41). There are several stated reasons why CALGs have not been set-up in some highway authorities: the expenditure survey report 1990-91 confirms the message from the responses from interviewees informing this report, stating that; "One in eight said it was due to a lack of financial or staff resources, it was not relevant or a priority or they had informal contact or alternative forums for discussion" (*Ibid*:p41).

CALGs rarely have any executive power. They act in an advisory capacity, sometimes reporting to council committees of the local authority for action on their recommendations (Dorset, Shropshire, Oxfordshire). The CALGs can exacerbate some problems for local authorities in as much that they raise awareness of issues and/or problems. Often this can result in more work being generated for the highways authority (cf. Chapter Seven). Groups that have an opportunity to key into the bureaucratic process are in a position to influence resource decisions.

The organisation and management of CALGs are important determinants of the way in which actors behave. Conversely the presence of particular actors determine the nature and interactions of the CALG. Almost all of the Groups surveyed operate with a remit to consider general issues rather than specific issues or cases. Most avoid specifics (such as individual disputes or particular paths) because the local authority officers feel that they are best dealt with elsewhere. Group members from the landowning interest feel generally that discussion of specific cases can have a destabilising effect on the meeting and alienate the member(s) who represent the interests involved in individual cases. An alternative reading of this is that in order to maintain control of the actors and so that all parties can pre-prepare before the meetings on the basis of the agenda, the local authority officers (with tacit support of the interests who wish to maintain particular distributions of rights) effectively disempower the micro-actors and deny them the opportunity to recast the relative importance of issues and policy objectives. For the user representatives the group



meetings are a rare opportunity to confront both the local authority and landowners with problems face to face.

The tying-in to local authority countryside strategies and their preparation and monitoring by the group can be crucial. Twenty-three respondent groups indicated that they made recommendations or that the views of the group were fed into the Local Authority system. None indicated that this process was systematic or formal. The nature of CALGs is diverse because of their informal nature but with some obvious common threads. They are mainly concerned (as mentioned earlier) for example, with rights of way issues. The highways authority countryside sections are legally, and often culturally, led by their rights of way duties. The CRAG notion intends to shift groups to be more involved with all access issues. In principle this seems a sensible idea but the Groups and local authorities find this problematic: they feel that they cannot influence wider issues or that discussing issues such as the 'right to roam' may be antagonistic and cause more problems than would be solved at the local level.

Whilst none of the participating Groups holds any executive power, most groups advise their 'convening' body of their concerns over council policy towards rights of way or countryside access generally. Some operate as a purely informal discussion group. A danger discovered at the case study stage is that group members can become disillusioned with the group and frustrated that their time and effort brings little tangible benefit (bearing in mind the Skeffington recommendation that "participants should be informed of the use of their representations"). The groups surveyed inputted into the policy-making and implementation process in a number of ways; by making recommendations to the County/District on policy, by writing to politicians or by direct actions such as those set out above. In some cases the Group is not keyed into the processes of the local authority and this, coupled with the informality of the group, renders it's main purpose a means of information exchange.

The notion that talking over issues and problems that are of mutual concern in the area of rights of way and countryside access, is a 'good idea' retains much of its force in the sense that there is no other effective means of information exchange available to those interested in access issues at the local level. However there are several political and theoretical issues and features of such groups that are important in respect of the 'active' citizen and the empowerment of the public.

The groups operate *prima facie* on the basis of goodwill between the various actors. In this sense the limitations of the groups should be acknowledged: they are voluntary groups and their legitimacy is very much dependent on the membership. Countryside Access Liaison Groups cannot on their own solve big issues, but they do have potential as advisory/consultation panels and perhaps as lobby groups to improve both the resourcing of countryside access/rights of way and perhaps local authority accountability. It should be emphasised that many of the land lobby who are involved with the groups do so because they: 'need to know what they are up to' (National Farmers Union, Interview 6). The groups can highlight the tensions inherent between different groups in the countryside and how articulate in-movers often bring with them strong notions about rurality or a personal agenda for changing their surroundings 'for the better'. There are numerous reported examples of this with 'Corky the Cockerel' (see Milbourne, Forthcoming) or the Wiltshire villager who recently broke into the village church and cut down the bell ropes because the noise of the Church bells was too loud<sup>7</sup>.

There is a notable split in the way that the groups are organised in terms of having formal aims or objectives. A majority of the groups surveyed state that they have written objectives - a proportion of CALGs do not operate under clear aims and objectives. This mix reflects the varying strategies aimed at ensuring the informality

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<sup>7</sup> Reported on ITV News 29th July 1996.



of many of the groups. Most of the respondents stressed the importance of informality to the Groups. The CALG members prefer to meet out of the public eye in order to retain this informality and so that differing parties can speak freely, perhaps at times straying from entrenched or *status quo* positions, or from positions that may be the official line of their parent organisation. In one case study (Case Study #3) no minutes are kept and no agenda is arranged before the meeting <sup>8</sup>.

The groups feed advice or recommendations into the local authority or member organisations in an informal way. Some groups do not make recommendations at all, the message received is that there are often poor lines of communication and weak links into the higher ranks of local authority officers or elected members. In order to make the groups more effective and maximise their potential to influence the local authority, user interests generally welcome the idea of access to decision-makers through the CALG. In a limited fashion, this occurs in one of the case study CALGs (see Sub-section 6.4ii).

While all the Groups have no *formal* status, several groups have developed into consultative bodies which are active in influencing local authority decision-makers on rights of way issues. It seems that, in some respects, more mature groups have developed an external formality in order to press their case, whilst attempting to retain the internal informality of the Group. It is clear that Groups can operate on a more conservative level than that set out above; purely fulfilling the rôle of a forum for information exchange and discussion. The notion of helping to set targets and priorities seems *prima facie* a valuable rôle for a liaison group and need not adversely affect the interpersonal relations or culture of the group itself. This, however, is a function of attempts to de-politicise participation.

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<sup>8</sup> This is very much 'obscured' participation, see Figure 4.2 and the analysis in Chapter Eight.

Issues that are put before the CALGs are addressed by the Groups using informal solutions - through negotiation or by drawing on the links forged at the meetings - so that any particular problems that exist can be resolved before having recourse to the powers of enforcement, or other legal powers, which the local highway authority could invoke. These negotiations often take place before or after the meetings themselves. At least one case study group now holds a 'surgery' for specific problems after the CALG meeting. The main advantages for the local authorities involved are that these methods of 'getting things done' can save time and money, and help maintain good relationships between parties.

An overriding theme that stemmed from the survey in terms of factors adversely affecting access provision was a familiar one - that of funding. Consequently it was acknowledged, by almost all of the groups, that enhanced funding for countryside access would assist the work of groups and as a corollary, encourage the further establishment of Countryside Access Liaison Groups. In a wider sense such enhanced funding may lessen the tensions between parties.

The relative importance accorded by most local authorities to rights of way and other matters concerning leisure and recreation in the countryside tends to fall well down on the list of funding priorities. As an example, for the financial year 1994/5, Avon County Council devoted only one quarter of one percent of the highways budget to rights of way (Woodspring Draft Countryside Strategy, 1994). In the context of tighter controls on public expenditure and cuts in local authority funding levels, the only method of securing improved funding for rights of way is through active political participation by the public to influence resource decisions. Such participation is not afforded by CALGs.



## *ii. Structure and Development*

The size of liaison groups is important and there is sometimes a trade-off made between comprehensiveness in terms of the coverage of interests on the membership of a CALG and the efficiency or effectiveness that it can exhibit as a functioning group. There are few Groups which operate with more than 25 members. Most operate with less than that figure (although the full roll of members may consist of more than 30 names) and many meetings do not achieve full attendance. In Gloucestershire where the stated policy is to keep the group as small as possible, the membership list consists of eleven persons (plus local authority representation).

The number of people at meetings can influence the culture of a group - many interviewees feel that the informal nature of smaller CALGs is an essential component of their ability to mediate between interests and, where appropriate, speak 'off the record'. However the exclusion of certain interests from CALGs is difficult to justify. The message that came through from the landowning interest representatives is that more representation from their interest would be useful in order to 'balance' the CALG. Some landowning representatives interviewed felt that they were 'beleaguered' at the meetings (CLA, Interview 19). This climate arises where the user groups effectively combine in opposition to a single or perhaps two representatives, typically, from the Country Landowners Association and the National Farmers Union. This situation reflects the polarisation of power between users and between the land lobby.

There is a strong central core of representation, by particular national organisations, notably the Country Landowners' Association, the National Farmers Union, the Ramblers' Association, the British Horse Society and the motoring interests, on the CALGs (see Figure 6.6). Surprisingly few of the groups (five) surveyed include representation from a conservation/wildlife interest. Many local user groups are represented on the CALGs as well as some large local landowners or institutions; the

utilities for example. The membership of the CALGs can be categorised into three types of participant, two of which are *prima facie* 'active' citizens. The first are the paid representatives of the local authority, the Countryside Commission or national interest bodies such as the National Farmers Union. Secondly, there are people who represent large organisations at the local level such as the Ramblers Association and thirdly, there are the 'actives' who represent a minority recreation or a local group. This latter group are the micro-actors who are attempting to make their voices heard.

Figure 6.6 Occurrence of Representative Groups on CALGs Surveyed.

Body/Organisation	Occurrence
County Council	28
District Council(s)	17
Countryside Commission.	14
Ramblers Association.	28
Open Spaces Society.	12
Country Landowners Association.	26
National Farmers Union.	26
Rural Community Council	11
British Horse Society	26
Motor Organisations Land Access & Rec. Assoc. (or member organisation).	24
Cyclists Touring Club/Mountain Bike Fed.	14
Sports Council	2
Council for the Protection of Rural England	5
Others (local groups etc.)	78
Source CALG questionnaire: 31 CALGs (28 County CALGs) as at 31/3/95.	

The CALGs often provide a forum for 'minority' interests to put over their position and for other groups to engage in a dialogue with them. In some instances their presence will remind other interests that there are competing claims over access and rights of way. The smaller bodies or interests are sometimes excluded on the grounds of keeping the Group at a manageable size. As with other voluntary groups it is often



important to ensure that the persons wishing to participate can feasibly do so. The meetings of all of the case study CALGs attended took place during office hours between Monday to Friday. The scheduling of meetings can be important in order to enable participation from as wide a cross-section of the community as possible; local authority officers interviewed were reticent about evening meetings whilst other CALG members, those from the user groups and minority interests, regarded the idea as positive. It is these members who find it difficult to attend the CALG meetings and as such the scheduling of meetings does affect possible 'empowerment' opportunities (Trail Riders Federation, Interviews 27, 30; Chiltern Society, Interview 47).

It is suggested that the shaping of discourse is clearly affected by the agency of micro-actors as well as the macro-actors on CALGs. The presence of minority interests are often enough to influence, even if only in a passive way, future decisions or policies prepared by the local authority. The micro-actors represent an 'accusatory presence': if claims for rights of way to be open for walkers are legitimate then claims for byways to be open for the motorised interest have implied legitimisation. Members of minority interests present at CALG meetings can become the metaphorical 'death's head at the feast'.

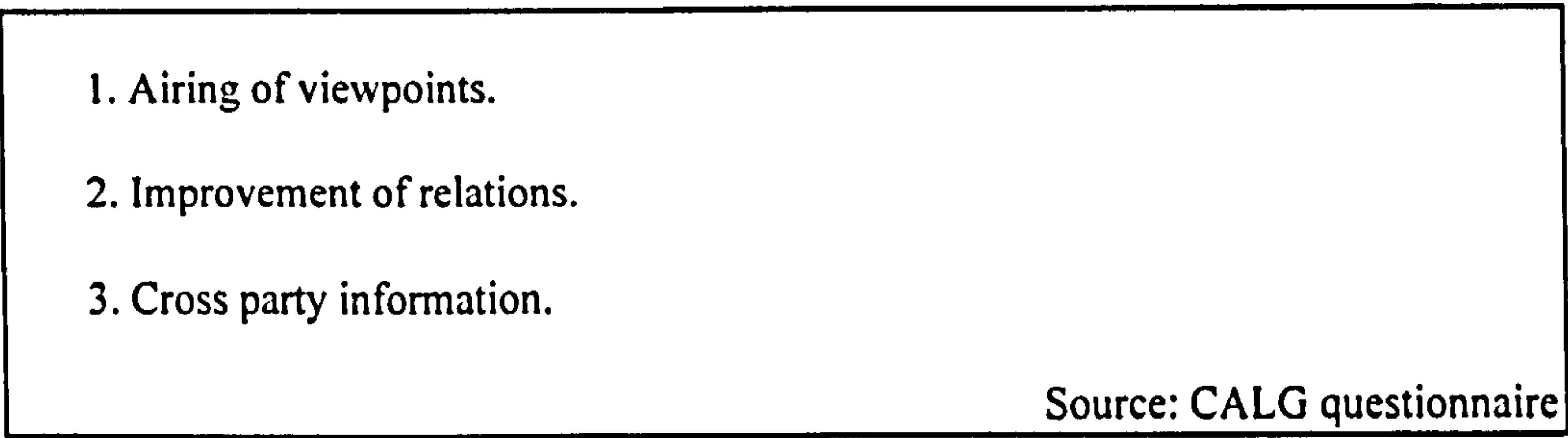
### *iii. The Benefits of CALGs as viewed by the Local Authority Officers*

There are many influences that dictate the operation and nature of the CALG. The internal influences, many of which are inter-linked, that impact on CALGs relate to the nature of the local authority structures, prevalent local politics, existing or pre-existing local policies/strategies, levels of internal funding, the amount of work needed on the condition of rights of way and levels of access provision for users attitude of local authority officers towards public participation. There are issues concerning historical relationships between landowners and the local authority and other key individuals involved with the CALG or involved with access issues locally.

The identifiable externalities, which also exhibit linkages, that affect the CALGs include; the prevalent political climate, policy advice from national organisations, levels of external funding, nature of national legislation and other groups such as the National Rights of Way Review Committee.

When asked how the public benefits most from the Groups it was clear that a conciliatory role was the main benefit. The opportunity to air opposing viewpoints face to face was seen to be important, as was the improvement of relations between parties because of the establishment of the Group (see Figure 6.7).

Figure 6.7 The Main Benefits that the Meetings Provide (rank order)



Other significant benefits include; the problem solving potential of the groups and, in some cases, their ability to secure practical action over local access issues. The benefits that landowners and occupiers gain from the groups were similar; the opportunity to air their viewpoints resulting in, improved relations, increased information concerning their rights and responsibilities and to some extent how landowners problems can sometimes be solved by the groups. The intangible nature of many of these benefits means that they are not readily quantifiable.

The most important factor affecting access was thought by the respondents to be the funding of countryside access. Information and education and present legislative arrangements were also considered to be important issues. The respondents confirmed that the changes that would assist the work of the Groups most would be



increased funding and the stronger enforcement of rights of way legislation by local authorities. The respondents acknowledged that the funding of countryside matters was crucial and in interview with local authority officers the way that access and rights of way are accorded relatively low priority by most Councils' was the key to the funding issue.

## 6.4 Citizenship and CALGs

### *i. Who Participates?*

Here it is re-iterated that the voluntary and informal nature of the groups fosters an element of 'active' or 'public' citizenship (Butcher *et al*, 1993). The survey and the interviews with the case study groups revealed that a large proportion of group members especially from the landowner/occupier side, typically from the NFU or the CLA, were paid (professional) representatives. They are normally however attending the CALG groups because they had volunteered or because they felt that they needed to stay informed:

"I was asked to come onto the committee [CALG]...which I offered to do because I find there are few landowners on the committee and I feel very strongly that their point of view should be put forward and mainly that they should be consulted before lines are drawn on maps which seems to be one of the main things that this committee want to do."

(Country Landowners Association member, Interview 3)

"...it goes with the job really. My overall job is to give legal advice to farmers, within that is the legislation concerning rights of way, part of the inherited brief is to be part of the liaison system. I didn't volunteer for it."

(National Farmers Union member, Interview 23)

"...if they are there we'd better be there in case anything nasty starts happening..."

(Ramblers/Open Spaces Society member, Interview 51)

For different reasons the various parties involved express a desire to be involved with the CALGs. From the landowning/occupiers side informal liaison without recourse to new (or existing) legal remedies is politically expedient (CLA, Interview

53). Representatives from the landowning/occupying interest felt they needed to be involved in order to make sure that decisions weren't taken without their knowledge or without them being present to defend their own position. It has been stated that some CALG members are professional representatives of a countryside access interest group. These members invariably sit on the CALGs voluntarily, however, this voluntarism is motivated by self-interest. These actors cannot risk foregoing the opportunity to ensure that competing interests do not gain an advantage by participating in the CALG in their absence. Their participation, in a sense, is 'forced'; it is a defensive strategy.

The local authority representatives, whilst being professionals, often operated their CALGs from their own volition rather than because it was local authority policy to operate a CALG. There are expedient reasons for this in many instances; the CALGs serve as a method of gauging opinion, as a method of placating interest groups and as a method of 'blackboxing' people who can be persuaded that they (the local authority) are 'on their side' or have their interests at heart (see Callon & Latour, 1981; Callon, 1986a,b).

The 'user' interests view the CALG as an important (perhaps their only) method of influencing the policy/decision making process regarding access provisions for their interest/activity, or to express views on conflicting rights claims. The micro-actors or 'active' citizens are faced with not only the local authority professionals but the representatives of large interest organisations when putting their case at CALG meetings, in this situation the local authority officers are in a position that they risk upsetting one party or the other if they adopt a particular idea or suggestion from one interest and the idea is not agreeable to the other interests, this leads to a stalemate situation which, it is suggested, best suits the landowning/occupying interest: this situation effectively maintains the *status quo*. It has been reported that particular smaller interest groups have had difficulty in gaining access to CALGs. Practical



constraints such as group size are sometimes used as reasons for the exclusion of 'minor' interests (NFU, Interview 23; Rural Community Council, Interview 25).

*ii. Three Case Studies: Power Brokerage, Enrolling the Interests and Network Collapse.*

The research involved seven case study CALGs (see; Chapter Five). Three of those case studies have been selected to outline differing scenarios that can and did arise in the operation of the CALGs. They illustrate the range of outcomes which the agency of different individuals have produced. Some information collected, concerning the other case studies, is also included.

Where there are strong, powerful or charismatic individual members of a CALG this may be reflected in the activities of a particular Group. CALGs are often dependant on highly motivated members to provide agenda items and to keep the Group going (in similar fashion to the 'actives' discussed in Chapter Seven). These same individuals may have a disproportionate influence on the CALG (as macro-actors) or antagonise other members to the detriment of the liaison exercise (see Case Study Example Three, below). Differing outcomes of citizen action, and powerful interests (re)actions, on CALGs are illustrated below.

Example One: Power Brokerage (Case Study #6)

This case study involved a county CALG set up in the late 1970s. The meetings were, typically, well attended with near full attendance of between 20-25 members (derived from past minutes). There are two main reasons for highlighting this CALG. Firstly, because the CALG acts as a monitoring group for the County's countryside strategy and feeds into the committee system of the County Council in an advisory capacity. Secondly, because the CALG directly influenced the County Council in changing their policy concerning rights of way diversions: it is this 'achievement' that is examined here.

In this example one of the CALG members (representing one of the main user groups in the county) was also a member of the national executive of the Ramblers Association and in a national executive position in the Open Spaces Society. This actor came to the group with 'well-equipped armies' and the ability to enrol interests as macro-actor:

"The most useful thing has been getting them [the highway authority] to the policy on giving diversions [<sup>9</sup>] minimum priority and then getting them to stick with it and I think the group had a lot to do with that, surprisingly the group was united in that view..."

(Open Spaces Society member, Interview 51)

The National Farmers Union representative on the same CALG contradicts this view:

"...a discussion in [county] produced a rights of way strategy to do with diversion orders and basically because of pressure from the amenity groups [county] will not countenance diversion orders - to us that is a complete nonsense...Because minutes are kept you have to be careful what you say there is a lot of jockeying for position politically."

(National Farmers Union member, Interview 44)

The actor, in Interview 51, did not feel that the CALGs were necessarily a worthwhile exercise. This viewpoint is informed from the participant's involvement in policy making and lobbying at the national level. There is an implicit recognition that the real power to influence things rests at the national level and that these groups at the local level can cause as many headaches as cures (Interview 51). The representatives at the local level are the 'scribes and recording equipment', that Callon & Latour (1981) speak of, these servants however are still 'leaky black-boxes' who may not necessarily stick to the prescribed line of argument set by 'the sovereign'. The local authorities, with a mismatch in terms of resources and responsibilities, represent particularly leaky black-boxes who are being assiduously courted by the landlobby not to enforce legal obligations/rights.

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<sup>9</sup> The local authority now do not normally divert footpaths because of the influence of the user interests on the CALG and because of the threat of critical publicity outside the forum.



This case study is important because the highway authority have allowed the CALG some degree of influence over policy by maintaining a relationship between the committee structure of the County Council and the CALG. It was admitted by the rights of way manager in this case study that the local authority officers prepared the rights of way strategy so that it reflected the known views of the key actors on the CALG (County Council officer, Interview 42) and that they had consciously black-boxed the various actors:

"...in preparing the rights of way strategy in 1991/2, where we obviously needed their [CALG members] approval and support in what we were doing, and we did that by actually involving them in the process. We set up working groups with volunteers from the members of the liaison group and it got them on our side as they had been involved in preparing the document. When it came to approving it we got no criticism at all for how we were approaching policies in there..."

(County Council officer, Interview 42)

The CALG survey and the subsequent case studies revealed that this form of partnership was rare, most highway authorities did not wish to allow that degree of power sharing with the CALGs. The following case studies reveal different outcomes of politically active citizenship.

#### Example Two: Enrolling the Interests (Case Study #1)

The second case study focussed on a CALG set up in 1992 through a district council. Initially the group was begun after persistent complaints from one particular 'active' citizen, concerning rights of way. The chief executive became involved in the issues and agreed to set up a liaison group as a means of addressing problems and complaints regarding the rights of way network:

"...the strategic part was coming from the council, there was also a lot of pressure being applied to the local authority, particularly by the most vociferous group. I suppose the CLA documents were also part of it - yes it all happened at the same time."

(District Council officer, Interview 1)

In this instance the local authority officer who operated the CALG was looking to enlarge his support base via the group by harnessing the interests of the other actors

to call on more resources for access provision from more senior local authority officers and elected members thus combining his own interests with those of the actors on the CALG:

"...something that the [CALG] can do is to make sure that the user groups are lobbying their councillors to make sure they see this as being important...I think there is a recognition within the Council currently that they should be doing more, the [CALG] is one result of that and budgets are becoming available for the first time - over and above the Statutory responsibilities that the County have."

(District Council officer, Interview 1)

The officer concerned wrote a draft of the Authority's countryside strategy and then took it to the CALG group for consultation. The strategy in order to work required resource inputs in terms of rights of way. Historically such matters had been accorded low priority.

In interview one of the 'active' members of the group (credited with persuading the local authority to address the rights of way issues seriously in the District) saw the main function of the group as a method of making the local authority more accountable to the users of the rights of way network. This view was shared by the other user group interviewee in the case study (British Horse Society Member, Interview 4; Ramblers Association member, Interview 5).

The case study #5 is similar to the above group in some senses. The district council operate two sub-district groups, they exist because some of the highways/rights of way powers have been devolved down from the county level and in the case of that District councils the notion of public empowerment was being implemented: "This authority is quite keen on customer panels we've got panels in the housing and the leisure departments..." (District Council officer, Interview 28). Group members, interviewed there, feel that the groups might be better operated at the county level,



especially the minority interests (micro-actors), because powers or duties that affect them are retained by the County (Trail Riders Federation member, Interview 30) <sup>10</sup>.

### Example Three: Network Collapse (Case Study#2)

It became apparent that various case study groups may exhibit certain differences because they have reached different stages of development. This case study involved reconstructing 'what went wrong' with a CALG operated by a County Council. The liaison group in question had begun meeting in 1986 and by 1992 had ceased to operate. The attendance was low - around 10 people attending meetings.

In this case the relationships between participants were not good to begin with and after several initial meetings the land interests refused to attend the CALG. The Local authority officer continued the group without the land interests. After the departure of the land interests the CALG settled into a 'honeymoon' period of approximately two years; this was followed by in-fighting amongst the group members, which lasted until relations were so poor that the local authority officer responsible for the CALG disbanded the group. The participants had become frustrated and informed 'actives' who refused to be black-boxed by the highways authority:

"...these people [the CALG members] got more informed on the subject because we [the council] had an open policy about our failings and they used it as ammunition against us...

...in a sense if you set up a liaison meeting you are, even if you don't realise it, asking people to help and saying 'we value your contribution' and that's fine but if at the end of the day if you don't do anything, people start to get a bit pissed off and you've turned a potential friend into an enemy."

(County Council officer, Interview 34)

Some of the membership are politically 'active' citizens who used the CALG meetings as an opportunity to address issues on the basis of legal rights and responsibilities:

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<sup>10</sup> For example powers or duties relating to the motorised interest: Byways Open to All Traffic (BOATs) or Roads Used as Public Paths (RUPPs).

"We tended to get to our liaison group those people who wanted to tackle the big issues on principle such as the county council's duties and the law, rights and so on...you could divide them; there were those who didn't really want any trouble...they realised that there were problems...the bigger groups...they've got individuals running those who are the other type who are much more clued up and much more prepared to do battle and who argue long and hard on legal matters."

(County Council officer, Interview 34)

The user group representatives viewed the group as the forum for bringing the highway authority to account for their failings (Interviews 36, 37). The local authority officer who convened the CALG recognised that they couldn't match their performance to the expectations that had been raised. The CALG had never had senior backing within the highways authority and there had been no attempt to feed the groups discussions into the formal workings of the local authority.

The Highway Authority, by late 1995, was cautiously reforming a liaison dialogue with the various interests. The method by which this was re-approached was through one of the interested parties 'organising' the group rather than the local authority. While the rights of way department was aware of the group, and one of the officers offered to act as secretary, officially, the authority did not wish to be formally involved. This indicates that the Highways authority was unable to address the very real issues of legal rights and responsibilities.

The case studies confirmed that groups had all developed in their own way. The groups often commence on friendly terms with familiarity and trust growing gradually. The membership of the group and the attitude of the local authority officers on the CALG in this case study deteriorated, in the main, due to the inability of the County Council to perform their *de jure* responsibilities and the vociferous and powerful nature of the CALG members claiming their *de jure* rights. This case illustrates how much of the access system still operates on *de facto*/arbitrary fulfilment of *de jure* rights/responsibilities. If the use of rights talk permeates

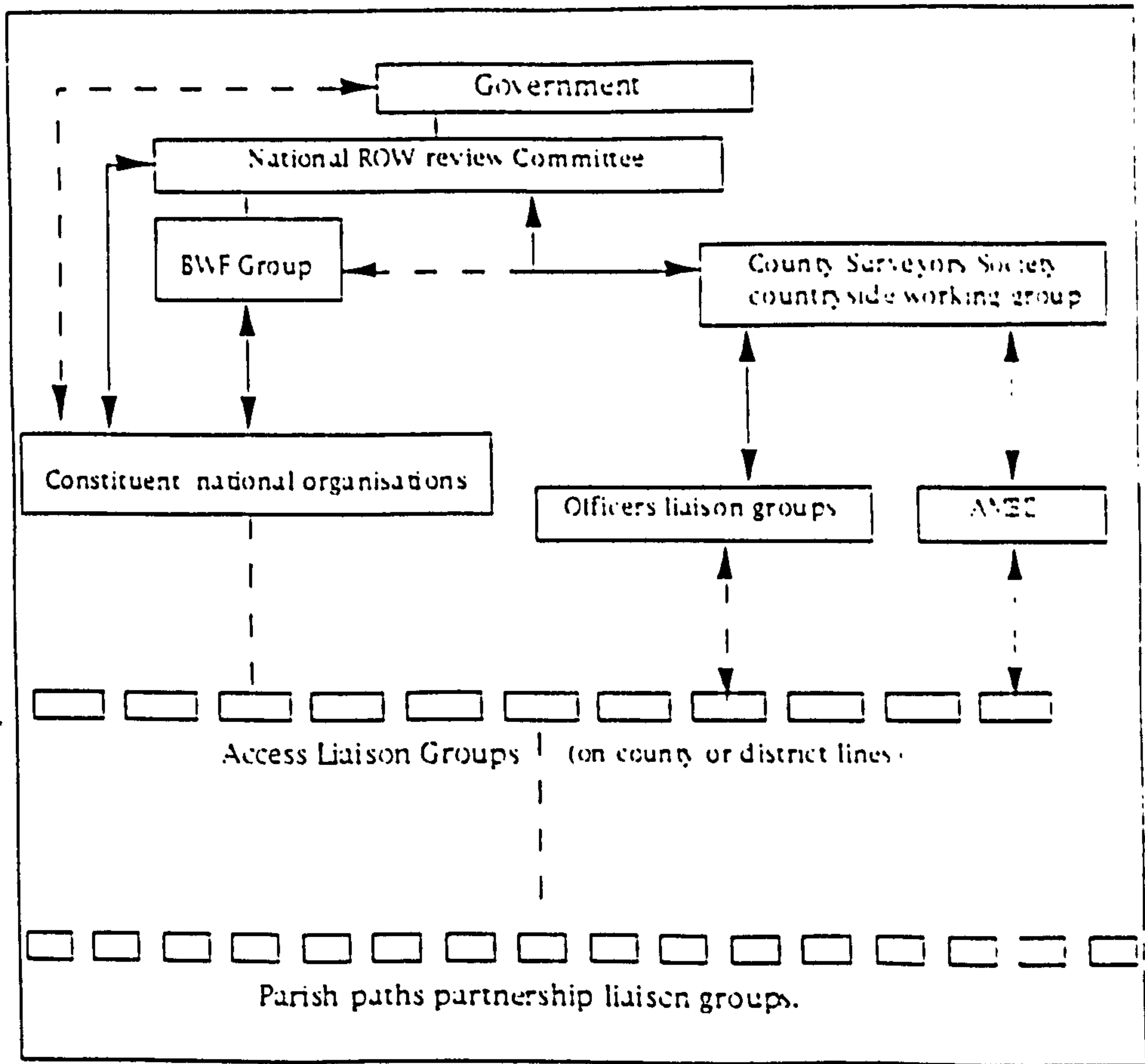


through to users/active citizens rights claims, already legitimated by the state, will be pursued more doggedly possibly at the expense of *de facto* rights which are withdrawn by landowners in a resultant contractualisation of relationships between the public, the state and landowners/farmers.

ii. *The Development of a Liaison Hierarchy?*

The development of CALGs at the county or district level has been matched in some senses by developments in consultation, liaison and voluntarism at the national level and importantly at the local level. Exhortations from central government have recently encouraged an increase in local action (MAFF/DoE 1995; see, Chapter Seven). Figure 6.8 (below) sets out the different examples of access participation discovered.

Figure 6.8 Schematic Countryside Access Liaison Network



The links between these different groups mentioned above are not necessarily strongly established; it is emerging that on a parish level co-operation and liaison has been encouraged via the Parish Paths Partnership (Countryside Commission 1994, Chapter Seven), that locally based liaison organised by fieldworkers occurs frequently and that liaison groupings at the regional and national level concerning access and rights of way are also in operation .

A climate for consultation and for methods of moving forward with shared aims and objectives in rights of way matters is being assisted by policy initiatives such as the *Milestones* initiative (see Ravenscroft *et al*, 1996) and the Parish Paths Partnership (Countryside Commission, 1993b; 1994b). The development of quantified targets and plans to achieve known objectives provide CALGs with impetus and a focus. The Milestones project requires public consultation to take place; identifying CALGs as an important element in that consultation process, if only in relation to the 'actives' as identified in the Skeffington report. It should be stressed that in political terms a shift towards dialogue has developed, in part, because of the potentiality of a Labour party government altering access arrangements more fundamentally, if elected, in the prospective 1997 general election.

Countryside Access Liaison Groups lack any formal powers or responsibilities - they are not in a position to effect many significant changes in national or local access provision or the balance of rights in terms of access. They are unique in that all the main access protagonists are gathered together to discuss their respective problems and differences and their effect at the margins of access provision is interesting and reflects the scope for citizen participation in the access arena (and more widely in land use planning). The research aids understanding of the way in which political participation at the local level is institutionalised, bureaucratised and in most instances; stifled. Importantly lack of funds mean that even local authorities, that wish to empower or integrate views of the public, often cannot do so because they cannot



summon the resources to take action on those suggestions. Figure 6.9 is used here to show varying levels of participation, showing where CALGs fit into the participatory ladder envisaged by Arnstein (1969).

Figure 6.9 Arnstein's Ladder of Citizen Participation (Annotated)

Rung of Participation	Nature of Participation
8 Citizen Control	
7 Delegated Power	{ Degrees of Citizen power
6 Partnership	[CASE STUDIES #6 & #1]
<hr/>	
5 Placation	
4 Consultation	{ Degrees of Tokenism
3 Informing	[OTHER CALGS]
<hr/>	
2 Therapy	
1 Manipulation	{ Non participation
Source: Fagence, 1977; after Arnstein, 1969.	

The CALG groups often operate in the mid-range of this 'ladder' however particular strategies of local authority officers may involve manipulation and therapy (rungs #1&2). It is rare that CALG groups reach rung #6 and never rungs #7 or #8. This ladder of participation is reworked in Chapter Seven (see Figure 7.6) and varying levels/types of participation are discussed in Chapter Eight.

Macro-actors set the agenda and therefore dictate what is discussed and can enrol interests to get particular projects operative. The willingness to engage in concerted liaison may represent part of a shift from conflict to increasing dialogue in relations

concerning countryside access or in fact reflect the need on the part of the land interests to discuss access matters given the changing rôles of rural land. Especially when faced with articulate and potentially powerful middle-class new rural dwellers. There has been increased attention brought to rights of way issues through an active minority (often these are middle-class rural immigrants; see chapters Seven and Eight) and now the intentions of the Labour party to introduce 'right to roam' legislation have encouraged groups such as the Country Landowners Association to devise expedient political strategies to resist wholesale change. These social and political contexts have helped create a climate of dialogue and compromise whereby landowning interests are prepared to talk about rights of way issues and other interests attempt to mediate their own interests to both landowning interests and the state. One of the reasons that the phenomenon of CALGs is interesting to research is their seemingly organic development - due in no small part to the increase in pressure and information from interested parties or 'active' citizens. With the provision of a fully operational and improved rights of way network now taking the top of the access agenda for many interest groups, the development of Countryside Access Liaison Groups can be viewed as part of this climate of dialogue.

The context within which policy is designed to enable public participation has some important and influential characteristics. The centralisation of political power is defended by Conservative politicians as legitimate under the system of representative democracy, where little legitimacy has been afforded to local political action. It is clear that there is some degree of inconsistency in the political rhetoric of public participation and the reality of opportunities to engage in decision-making processes. As introduced in Chapter Four, and explored further in Chapter Seven, the rôle of parishes is presently being reviewed (DoE/MAFF, 1995).



## 6.5 Conclusion

This Chapter has uncovered how 'active' citizens can influence policy (albeit on rare occasions and in certain circumstances) but importantly how many of the micro-actors are not able, for a variety of reasons described, to be effectively empowered. There is system recoil, on the part of many local authority officers, to the idea of unelected members of the public having influence in the policy process. It is nonetheless the case that the powerful interests do influence local authority policy, even if this only manifests itself, in a constraining sense, in the conservative nature of many local authority policies (and importantly their actions) concerning countryside access. This may not be an entirely unfounded reticence but it leaves certain questions open regarding when such citizen participation is considered legitimate and the form that such participation might take.

CALGs are sites of political compromise and enrolment where power-holders attempt to maintain a *status quo*, and where the local state, with responsibility to citizens (and to citizens as consumers), attempts to address or placate claims on rights and demands for the enforcement of responsibilities. It is somewhat problematic for members of the public and small groups to get their voices heard and heeded as 'politically active' citizens within existing institutional structures.

The issue of power takes on an extra dimension here, when the empowerment of rural localities are considered. Further research needs to be undertaken to investigate who the winners and losers might be in situations where powers have been devolved downwards to, say, the parish level. The membership and the interests represented on the CALGs mirror the much documented middle-class rural immigrant as well as illustrating the presence of tensions between competing (powerful) interests. The fear must be that powerful and/or culturally dominant local interests or individuals will appropriate such powers.

In the following Chapter another example of citizenship participation is explored through a study of the Parish Paths Partnership scheme (Countryside Commission, 1994b). In this instance the empowerment and involvement of local people was an explicit part of the policy. The policy has been used, by central government, as an example of 'active' citizenship and local empowerment. In Chapter Eight the findings of the research here and in Chapter Seven below, are discussed in relation to wider processes of social, political and institutional change in the countryside.



## **Chapter Seven**

### ***The 'Active' Citizen 2: The Parish Paths Partnership scheme***

"Policy-making is not a moral trade nor can it ever be."

Max Weber, *Ein Lebensbild* (1926)

#### **7.0 Introduction**

In the previous chapter the growth of Countryside Access Liaison Groups was explored. The CALGs involved the consultation and involvement of a variety of actors or 'active' citizens in discussions regarding arrangements for access and the use of land, especially public rights of way. The members of Countryside Access Liaison Groups are active in the sense that they attempt to engage with policy-makers and policy implementors and are attempting, to some extent, to have influence on the way rights (*de jure* and indirectly *de facto* rights) of access to the countryside are distributed, exercised and planned for, within their own areas. They represent politically active citizens (see Figure 4.2).

This Chapter explores another example of citizenship participation and planning in relation to countryside recreation. The focus here is on the operation of the Countryside Commission's Parish Paths Partnership scheme (P3) in Gloucestershire. The intentions and the outcomes of the scheme in Gloucestershire are unpacked and the figures and statements made in the official final evaluation report of the P3 scheme (PACEC, 1995) are compared to the research conducted in Gloucestershire with P3 participants and policy-makers (see Chapter Five). It is demonstrated that the aims and outcomes of P3 have implications and effects on attendant citizenship rights and responsibilities and the communities involved. The P3 scheme employs empowerment rhetoric yet seems also to involve elements of a self-help doctrine consistent with liberal individualist political philosophy.

## 7.1 P3 and Environmental Work in the Countryside

### *i. Environmental Work and Employment Training During the 1980s*

The programmes and other work schemes that have involved rights of way, across England and in Gloucestershire, are introduced here to provide context for the policy environment that the P3 scheme entered upon its launch in 1992.

Much of the work undertaken on rights of way in the past has been done using voluntary or public labour. There is a tradition of voluntarism in environmental work, predominantly in the countryside, that has built up over the last thirty years or so. This relatively recent trend links into dominant constructions of the rural as idyll coupled with service class in-movement to the countryside (Urry, 1990; Thrift, 1989; Murdoch & Marsden, 1994). Such in-movement has affected the social life of many rural areas: it is often the case that populations resident for generations resent the influx of predominantly middle-class immigrants who 'take over' the village, and are not bound by the pre-existing etiquette of the habitus.

Rights of way have attracted volunteer workers for a considerable number of years: there has even been a growth in holidays based around such volunteer work. One of the main volunteer groups is the British Trust for Conservation Volunteers (BTCV), set up in 1959 and now involving around 85,000 people in their environmental work programmes *per annum* (BTCV, 1995). The Groundwork Trusts set up in 1981 with approximately 44,000 volunteers in year 1994-5 also get involved in rights of way work in their urban fringe programmes (Groundwork, 1993; 1995).

In addition to the independent voluntary groups there have been attempts through schemes such as; *Training for Work, Employment Training* (ET) and the *Community Programme* (CP) to carry out environmental works programmes. These schemes train and utilise unemployed persons in environmental work programmes via the public sector (Curry & Gaskell, 1989). The Community Programme ran from 1982



throughout the 1980s until 1989 and was essentially a work-based programme involving unemployed persons in practical projects. The Community Programme participants were paid on the basis of 'the rate for the job' - in hindsight a type of 'workfare'. Employment Training was begun in September 1988 just as the Community programme was being run down. The emphasis changed: the ET scheme was more concerned with the training of the individual so that the work would prove less exploitative and would provide the participant with some marketable skills in order to find employment. The net effect of the change was to reduce the amount of work that was achieved on the ground:

"ET is...aimed at resolving skill shortages in local commercial job markets. This is in contrast to CP, which favoured environmental work because it did not displace private sector employment. As a result, a high proportion of CP jobs were either environmentally or community based."

(Curry & Gaskell, 1989:p11)

"...under CP such [environmental] work had always attracted people who found it difficult to get jobs in commercial spheres. It was recognised by many organisations that environmental work attracted some of the least employable but they had a useful role to play in such work. Under ET those people are not coming forward at all."

(*Ibid*:p11)

Employment Training did not deliver on the ground results as the Community Programme had done; ET is now incarnated as the 'Training for Work' programme which began in 1993. Since the demise of these programmes in the late 1980s the tapping of the pool of available cheap labour has declined. However the use of ET and Training for Work teams on the rights of way network has continued. The Countryside Commission recognises the extensive use of such schemes in relation to targets and objectives that they had set:

"Ninety percent of the work on rights of way before the scheme [P3] was done by ET or MSC<sup>1</sup> people. They did a tremendous amount of work in terms of stiles, gates and signposts and so on."

(Countryside Commission officer, Interview 11)

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<sup>1</sup> Refers to the Manpower Services Commission.

Indeed at least one of the groups now involved in the Parish Paths Partnership scheme in Gloucestershire had linked up with a Community Programme team of workers to tackle their own local rights of way network in the late 1980s (Parish Paths Co-ordinator Gloucestershire, Interview 4). It was also found that ET workers had in fact been involved in works as part of the P3 scheme itself in Gloucestershire:

"A great deal of work was done by an ET scheme run by a contractor, who was an ET supervisor, it then became a Training for Work team and they did lots of work for parishes and they charged the County Council for the work. I felt there wasn't much accountability for the cost and it was very difficult to say where the money had been spent...P3 wasn't operating as a community involvement thing."

(Gloucestershire County Council officer, Interview 10)

This raised an important issue: to what extent was the P3 initiative filling a gap left by public work-based schemes since training had become prioritised in such schemes? The shift that has taken place, from the work or training programmes outlined above to the P3 scheme involves a shift from work done by the unemployed under public work programmes to work that is presented as a legitimate part of being a 'good' citizen. This shift is introduced, legitimated and enabled through the political rhetoric of empowerment and 'active' citizenship.

## *ii. The Parish Paths Partnership Scheme (P3)*

The *Parish Paths Partnership* scheme, known as the 'P3' scheme, was begun in 1992 by the Countryside Commission after consultation, agreement, and then in partnership, with the Department of the Environment (DoE). The scheme entrants, i.e. the parishes, usually join for three years through their local Highway Authority (HA). The funding for the scheme lasts from 1992/3 until 1997/8; this represents the usual six year policy term that the Countryside Commission operates. The P3 scheme provides HAs with 75% grant aid as an incentive to participate. This level of assistance provides very good value for the Highway Authority who otherwise receive up to 50% aid from the Commission for other access projects.



The Scheme's main aim is to get local communities involved in opening up their local network of rights of way. Therefore the P3 scheme exhibits some important differences from other voluntary or training programmes which have been involved in work on the rights of way network. Firstly there are obvious differences: it is voluntary, the scheme has no training or employment ethos, there are no payments for participants, it is specific to rights of way and it is targeted at the parish level. The Department of the Environment adopted the Commission's recreation 2000 targets in 1991 and began working with the Commission on projects that would progress the aims of the policy:

"P3 came about through the DoE adopting the Commission's year 2000 objective for opening up the rights of way network in 1991 in *This Common Inheritance*".

(Countryside Commission officer, Interview 11)

It has been noted, by Alan Rogers, that a predominant, idealised, view of rural communities helps to construct the policies which are directed at the rural:

"If decision makers at all levels from parish to Whitehall and beyond see rural communities as possessing certain valuable attributes (e.g. small scale, attractive environment, mutual support) they will understandably seek to reflect these attributes in their policies."

(Rogers, 1993:p2)

The 1995 Rural White Paper, *Rural England. A Nation Committed to a Living Countryside*, (DoE/MAFF, 1995) explicitly encourages the increase in the rôle that parishes and Parish Councils can play in their local communities. There is specific reference to the main concern of this chapter: the White Paper endorses the idea of Parishes playing 'a more active role in the management of footpaths within their area' and that parishes should 'participate in voluntary schemes, for example through...repairing footpaths' (DoE/MAFF, 1995:p16). The 'principles for the countryside' section and then the 'recreation and access' section of the White Paper state that:

"We commend the effectiveness of the Parish Paths Partnership initiative, but we also wish to identify further ways of encouraging direct management at the local level."

(*Ibid*:p126)

The present Conservative administration express their wish to develop more parish-based initiatives in the future<sup>2</sup>:

"This includes...encouraging active communities which take the initiative to solve their problems themselves..."

(*Ibid*:p10)

One of the architects of the scheme mentions how the climate of policy was right for a scheme such as the Parish Paths Partnership scheme:

"Their idea [the DoE] was that they wanted to empower local people. P3 matched their aspirations...we were in the midst of developing policies for community action and rural action in the late 1980s so we did have a suite of policies on community action. The ethos was that way. The whole trend was, and still is, either to empower or devolve responsibility."

(Countryside Commission officer, Interview 11)

### *iii. The Stated Aims and Objectives of the P3 Scheme.*

The overall aim of the Parish Paths Partnership scheme is to assist in reaching the Recreation 2000 policy target of opening up the entire rights of way network and that the network should be legally defined, properly maintained and well publicised by the year 2000 (Countryside Commission 1987, 1994b). The four elements of the scheme as envisaged by the Countryside Commission and the DoE were set out by the Countryside Commission as 'guiding principles' for P3 (Countryside Commission, 1994b). They are:

1. To enable local people to make the most of the rights of way in their area.
2. To unlock hitherto untapped resources at the local level.
3. To allow highway authorities to concentrate on those aspects of rights of way work that only they are in a position to undertake, such as legal matters and the definitive map.
4. To establish efficient, effective and economic ways of ensuring the rights of way network is open and in use.

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<sup>2</sup> For example, Taunton Deane District Council have recently devolved all of their planning powers down to the parish level. The results of this local empowerment exercise is likely to be keenly observed by the Government and their critics alike.



These functions are analysed below with reference to both primary research undertaken with P3 participants in Gloucestershire and reference to the Parish Paths Partnership final evaluation report conducted for the Countryside Commission by PA Economic Consultants (PACEC) in 1995 (submitted to the Countryside Commission in September 1995). The Countryside Commission was required by the Department of the Environment to monitor the P3 scheme. At the end of each year a report was prepared, on behalf of the Commission, by PACEC. The final evaluation report concentrates on facts and figures without discussing who is involved and the effects that the scheme has on them or other people in their parish:

"...we didn't get as much qualitative information as we would have liked. We needed to show that P3 was cost effective and what was happening...you don't get money from government unless you show what they can buy for their money...The evaluation was budgeted for, it was quite expensive and there were a lot more questions we would have liked to have asked."

(Countryside Commission officer, Interview 11)

The focus of the primary research was not only to analyse the effects of the scheme itself but to investigate the level of participation and empowerment that local citizens had contributed and been allowed during involvement with the scheme. For this reason the second policy principle of 'unlocking untapped resources' is paid particular attention: the notion of untapping resources requires careful consideration. What or who are those 'resources'? Why have those resources not been utilised before? And crucially for this thesis: what are the political implications of this local 'empowerment'?

#### *iv The Actors*

The P3 scheme operates within a structure, with each layer of that structure acting as an ongoing advisory network. The main actors, and their roles, within the policy network are outlined here.

The Department of the Environment - The DoE sits on the P3 monitoring group with the Countryside Commission. The group meets around three times a year to assess the

progress of the scheme and discuss other matters relating to P3. The Department of the Environment has tended to take a keen interest in the success of the scheme, and more widely in the Recreation 2000 targets being met. Those targets are now adopted as their own stated policy objectives. The DoE has liaised with the Countryside Commission closely concerning the scheme and have funded the first three years through the Countryside Commission.

Countryside Commission - as organiser and funding body for the scheme the Commission has maintained an advisory role for participating Highway Authorities. The Commission put £1,957 984 (63% of total cost for the period 1992-1995) into the Parish Paths Partnership in the first three years of the scheme's operation. The Commission has produced guidance notes for Commission Staff dealing with the scheme and for Parish Paths Liaison Officers (PPLOs) (Countryside Commission 1995a,b). It was felt that the 'success' of the scheme has been assisted by the support networks that the scheme has offered with communication and advice being disseminated by all the main actors.

Participating Highway Authorities - the HA signs up to take part in P3 for three years and is offered 75% grant aid for the cost of implementing the scheme by the Countryside Commission. They are responsible for appointing PPLOs and getting parishes involved in the scheme. By the third year of the scheme's operation there were 28 Highway Authorities in the scheme; additionally a handful of Authorities have initiated their own similar schemes to which the Commission has assisted with discretionary grant aid.

The Parish Paths Liaison Officers - may be full-time or part-time, they are responsible for the progress of Parishes within the scheme and act as the point of contact for the P3 co-ordinators within the parishes, they also liaise upwards with the County P3 administrator. In Gloucestershire there are four part-time PPLOs who supervise



approximately 25 parishes each. The PPLOs are crucial, they are the 'clerks of works': the motivators and encouragers providing the link between the local state and the individual.

Parish Paths Co-ordinators - the Parish contact for the Highway Authority and the PPLO. In Gloucestershire these volunteers are local active citizens; often Parish Councillors or Parish Clerks. Their role is to assess the needs of the parish in terms of works on paths and to submit bids for money to the HA via the PPLO. It is these people who are crucial to the progress of the scheme at the parish level. Often there is one key actor, the only parish activist, who really progresses the scheme. Their commitment and motivation are important factors in successfully undertaking works. In Gloucestershire the co-ordinators surveyed and performed administrative tasks as a minimum to facilitate the scheme, especially so since it was found that contractors were used extensively to carry out P3 works.

The P3 Volunteers - The Countryside Commission envisaged that the scheme's 'success' was to lie in volunteer workers from the locality (if not the parish) getting involved and carrying out the works required on the rights of way network; surveys, path clearance, stile erection, bridge repair. Within the chapter the term 'actives' is used to denote those people who are P3 co-ordinators or long-time key community actors and the term 'casuals' is used to mean those people who have assisted in the P3 scheme on an occasional and infrequent basis.

## **7.2 The P3 Scheme in Gloucestershire**

### *i. The Background*

There are 270 parishes in Gloucestershire (plus three urban parishes designated between 1994-1996) the population of the County in the mid-1990 survey conducted by Gloucestershire County Council (GCC) was 531,000 people (GCC, 1992). Gloucestershire is a County where access to the countryside for informal recreation is

valued highly, as are the various landscapes types in the County. There are numerous publications for tourists and walkers, there are even video walks of the Cotswolds available, one series of walks is entitled 'The Armchair Rambler', thus allowing 'virtual rambling' (Creative Venture, 1994).

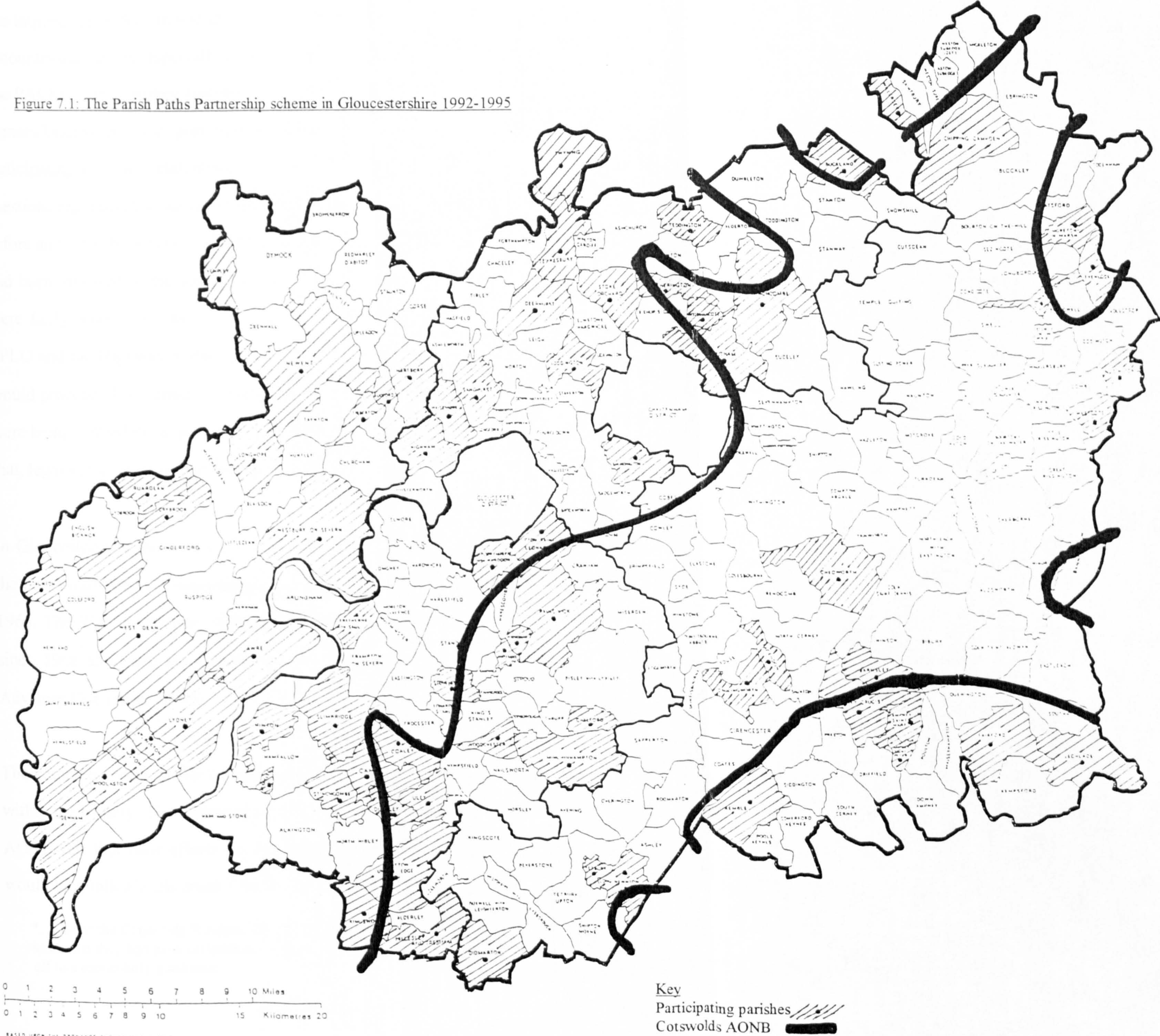
The County is quite varied in terms of landscape and culture: each area has local distinctiveness both in terms of its topography but also in the socio-economic make-up of those areas. For example, three differing areas within the County include; the Cotswolds, lying to the East of the County with rolling downland and arable farm land, to the North-West lies the Forest of Dean which is still a fairly extensively forested area with a strong tradition of *de facto* access and common land and in the central region of the County lies the Severn Valley within which lie, Gloucester and Cheltenham, the main settlements in the County.

Gloucestershire County Council (GCC) entered the Parish Paths Partnership scheme in the first year of its operation (1992/3). The County enrolled thirty parishes into the scheme in that first year. By the third year of the Scheme GCC had 88 parishes involved with P3 and had increased that number to 103 at the start of the fourth year; three times the average membership per participating Highway Authority across England. Gloucestershire parishes therefore represented over 11% of the 919 participating parishes that were spread across the 28 Highway Authorities participating in the P3 scheme (each with an average of 33 parishes taking part in the scheme) by the end of 1994/5, the third year of the scheme (PACEC, 1995).

Two of the stimuli for the P3 scheme came, on the one hand from the pool of willing (and free) activists and, on the other, from the Countryside Commission's major policy objective of opening up the whole Rights of Way network by the year 2000 - a target that many Highway Authorities have been struggling to achieve; mainly due to persistent resource problems.



Figure 7.1: The Parish Paths Partnership scheme in Gloucestershire 1992-1995



0 1 2 3 4 5 6 7 8 9 10 Miles  
0 1 2 3 4 5 6 7 8 9 10 15 Kilometres 20

BASED UPON THE ORDNANCE SURVEY MAP WITH THE  
SANCTION OF THE CONTROLLER OF H.M. STATIONERY  
OFFICE. CROWN COPYRIGHT RESERVED



## *ii. P3 and Liaison with Existing Rights of Way Groups*

The importance of liaison and the climate of dialogue being promulgated in the area of countryside access, especially from the landed interests was set out in Chapter Six. The PACEC (1995) survey findings in relation to the impact on relationships between farmers/landowners and participants indicate that in almost half (47%) of the participating parishes relationships improved. The Gloucestershire survey included questions regarding the liaison arrangements and the relationships between the parties before and after the scheme had begun in the Parish. It was found that few landowners had been involved in the scheme but most who were affected by the proposed work were fairly amenable. The P3 co-ordinators had very clear instructions, from their PPLO and the Highway Authority, to consult and inform all landowners before work would proceed, this seemed to work well. It should be borne in mind that landowners were being offered the opportunity to have work done on rights of way over their land that, legally, was their responsibility to carry out.

In Gloucestershire the Cotswolds Wardens operate as a voluntary workforce within the Cotswolds Area of Outstanding Natural Beauty (AONB), which was designated in 1966. The Wardens number approximately 230 volunteers, and have been operating since 1968 alongside the Cotswolds Countryside Service (Cotswolds AONB Joint Advisory Committee, 1995).

The commencement of the Gloucestershire P3 scheme in 1992 caused some tension within the County. The Cotswold Countryside Service, responsible for the Cotswolds AONB felt that their efforts on the rights of way network, over the last 25 years, would be implicitly criticised if the P3 scheme was operated within the AONB:

"...a lot of the Cotswolds Wardens saw P3 as a vote of no confidence in the previous 25 years work that they had been undertaking in rights of way in many of the parishes, so it didn't get off to a particularly good start..."

(Cotswold Countryside Service officer, Interview 8)



As a result the scheme was not pursued determinedly in the AONB area until later, the distribution of participating parishes shows the unequal distribution between parishes inside and outside of the Cotswolds AONB (see Figure 7.1). It was felt by some to be unnecessary in the Cotswolds:

"There are politics involved, the Cotswolds Wardens felt they were having their feet trodden on by the P3 scheme in the Cotswolds because they had traditionally patrolled the paths...the local volunteer wardens don't want the scheme...there has been deliberate avoidance [in some parishes] because of the Cotswold Wardens".

(Gloucestershire County Council Officer, Interview 10)

The institutional arrangements made to liaise and consult created an element of misunderstanding between the rights of way department and the Cotswolds Countryside Service (including the Cotswolds Wardens). The problems arose because the Cotswolds Wardens who operate within the Cotswolds AONB were not consulted on the introduction of the P3 scheme in their area. The subsequent feeling among the voluntary wardens was that their work was not adequately appreciated. Consequently, in the Cotswolds parishes who entered the scheme, little work was carried out by Cotswolds Wardens, especially in the first two years of the scheme's operation. The situation was explained by the Cotswolds Countryside Service officer:

"...we [the Cotswolds Wardens] could pull out literally overnight, which is what we did. It took the P3 scheme a long time to get going, it left a hole - a vacuum...we then had virtual warfare between some of the P3 co-ordinators and the Highways Authority and ourselves at that time...In many ways we thought that it would be sensible not to have P3 parishes in the AONB. It could have been done differently - if they had wanted us they could have talked to us at the outset and avoided some of the barriers and pitfalls"

(Cotswolds Countryside Service officer, Interview 8)

A lack of consultation and liaison may give rise to misunderstandings over policy change. If this occurs the 'unlocking of resources' may well be hindered - especially so where the project relies on the goodwill of volunteers. In this case one section of the volunteer community felt alienated due to their perception of the scheme, and the initial presentation of the scheme to them, as replacing their work. It is possible that

an even higher take-up of the scheme would have been possible in Gloucestershire if the difficulties between the Wardens and the scheme could have been foreseen.

### *iii. Durability of Works and Volunteer Involvement*

There were concerns in Gloucestershire that investment in the network, via the scheme, may be lost. In the words of one of the parish co-ordinators:

"The limited timescale of P3 funding may cause problems with maintaining the paths we have now re-opened"

(P3 Co-ordinator, 42)

The PACEC report (1995) does acknowledge that strategies will need to be adopted by individual Highway Authorities, to ease the exit of Parishes from the scheme, in order that the works which are underway or planned in the parish can be completed. The exact phraseology is thus: "the Countryside Commission needs to ensure that HAs put in place an exit strategy for parishes leaving the scheme" (PACEC, 1995:p77). On this point Gloucestershire has made arrangements to help departing parishes, with some financial assistance from the Countryside Commission. Prompting this were two main concerns involving loss of investment. Firstly, that some parishes would not manage to finish their work programmes in the three years participation period or, secondly, that measures to ensure the longer-term maintenance of the paths were not in place in the parishes departing the scheme.

The sustainability or durability of the scheme is therefore subject to some debate. The PACEC (1995) report, on this issue, appears somewhat contradictory:

"withdrawal of financial support would have an impact on the ability to maintain the ROW network in the significantly improved state resulting from the P3 scheme..."

(PACEC 1995:pvii)

But then in the following paragraph it is stated that:



"The establishment of voluntary effort as part of the P3 scheme is likely to have a durable effect with only a fifth of parishes suggesting that it would not continue."

(Ibid:pvii)

It is very difficult to estimate how much work would continue as a result of the scheme, as opposed to Parish 'actives' continuing to do what they were doing before the scheme had begun. Many of the people who were involved had already been active on the path network before the P3 scheme, another section of the people who 'lent a hand' did so irregularly and 'as a favour' or as a 'one-off'. The credibility of parishes forecasting what will and what won't be done in the future has to be treated with some scepticism. The findings of the Gloucestershire study suggests that without resources the network will not be maintained. The prospect of continuing commitment from the 'casuals' should not be given much credence and the additionality from the 'actives' would be minimal. The only works likely to be done would be that carried out by the pre-existing activists, in a random manner. Figure 7.2 shows the level of take-up and cost of P3.

Figure 7.2 The Take-up and Cost of P3, 1992-1995

Variable	1992/3	1993/4	1994/5	Glos(total3yrs)
Number of parishes	252	552	919	88 (90)
Length of ROW (km)	4,982	8,787	14,630	n/k* (total 4800)
Cost (£)	462,863	1,094,956	1,537,319	150,000 approx
*The best estimate using national and Gloucestershire averages mean that 1,400km of ROW were involved in the period 1992-1995.				
Sources: PACEC, 1995; Gloucestershire survey and interview data.				

Gloucestershire now part-fund the maintenance of the paths opened up by the P3 scheme through a cyclical maintenance programme which is financed in part by the

Highways Authority and partly by the Parishes themselves, usually in a 50-50 split. This in itself represents a 'parish paths partnership' policy involving a sub-contractual arrangement mixed with voluntary effort. Some parishes are being granted discretionary grants for a fourth year at lower levels of support from the County Council in order to finish off projects begun under the scheme - around 30% of the original P3 grant for the parish. This has been arranged by agreement with the Countryside Commission:

"I took it to the Commission that we allow some payment to parishes, some parishes were concerned about losing the investment made, all the time and effort, because the paths were now overgrown. So we set up the cyclical maintenance scheme - in practice we couldn't maintain all the paths in the County with the resources we have."

(Gloucestershire County Council officer, Interview 10)

It is for further research to ascertain the success of this strategy. However the Cotswolds Countryside Service Officer (Interview 8) makes the pragmatic, if not pessimistic, comment that: "the only way that paths stay open is through use".

### **7.3 P3 as Catalyst, or Vehicle for Exploitation?**

#### *i. P3 as Enabler*

The first stated objective of the P3 scheme is "To enable local people to make the most of the rights of way in their area" (Countryside Commission, 1994b). The simple method for this element to be achieved is to open up the local network, advertise it, and ensure that it is identifiable on the ground through way marks and sign posting. In short the components of the Countryside Commission's Recreation 2000 objective (Countryside Commission, 1987a,b; 1989). The specific rationale for this element of the P3 scheme is to enable the public to enjoy improved amenity from the rights of way network. Implicitly there is encouragement of 'local ownership' for the community over the local rights of way. In terms of citizenship the aim is for more people to exercise their rights and for the community to match responsibilities to those rights.



There is little doubt that the scheme has assisted many parishes in opening up and improving some of their rights of way. There is a tendency to be positive about a scheme or project that the respondent is involved with and for a resident respondent to be positive about their parish. It is shown that many of the people involved with the P3 scheme are public-spirited: 'public' or 'active' citizens who do believe in some sort of community or service ethic in some way (Butcher *et al*, 1993). There are cultural factors involved in such attitudes, local pride and the spirit of taking part in something which appears useful for the community engenders an attitude which precludes criticism of either the specific project or the community that it serves. Figure 7.3 shows some of the brochures and guides produced by actives in the P3 scheme in Gloucestershire, providing examples of the time and effort that some parishes have invested.



Figure 7.3 Example P3 Guides, Gloucestershire



The scheme covers approximately 40% of the parishes (167 parishes have not taken part in P3 in the first three years). From the 103 parishes considered to be P3 participating parishes there are several 'inactive' parishes or parishes who have signed to take part in the scheme but have not been able to fully participate for a number of reasons. There are also a band of parishes who haven't been involved in the scheme long enough for judgements about their participation to be made:



"...you had parishes that thought it was a good idea to join the P3 scheme and signed up or had their arms twisted by the Highway Authority to join and you had parishes who said we've got people to do it already...there were a series of things; pride, the imposition of the scheme, not having the full story at the beginning, the type of people, the policy over free stiles, Nimbies on Parish Councils..."

(Cotswolds Countryside Service officer, Interview 8)

In the findings of the Gloucestershire study it was found the respondents who were critical of either the scheme or the parish in which they lived were in the minority. Of the respondents who did acknowledge problems with the scheme or its outcomes their criticisms came together under the themes of administrative criticism and of criticisms in principle:

"I wish the Parish Council had been made aware of their legal responsibilities with respect to public rights of way before embarking on the scheme rather than working to a secret agenda of their own".

(Parish Paths Co-ordinator, Respondent 48)

"All Parish Councillors are volunteers so we cannot demand action i.e. surveying or other work. One has to rely on motivated people chiefly whose interests are walking and that they have a sense of duty to perform certain tasks. If they are enthusiastic about any particular occupation they will volunteer their services - if there is no interest it's a dead duck. I feel paid work is the main answer in the areas where vested interests are not keen on footpath clearance."

(Parish Paths Co-ordinator, Respondent 95)

"It's a con - a very cheap and subtle way of the Authority (local and national) getting out of a jam. It should be exposed."

(Parish Paths Co-ordinator, Respondent 49)

These were comments from those who did participate in the scheme, illustrating why many parishes or Parish Councils opt out of taking part in the P3 scheme. Some landowners or farmers hold a power of constraint within many rural parishes, often dominating the Parish Council, the effect of these micro-political constraints are very difficult to quantify. There has been little research on the make-up of Parish Councils (see, for example, Ellwood *et al*, 1992) However the research that has been conducted provides little indication about the background and socio-economic profile of the Councillors or other 'active' parishioners and the way in which decisions are made.

The monitoring of the P3 scheme was said to be rather complex and time-consuming, especially for the volunteers who ran the scheme at the parish level. Again the findings of the primary research shows that the largest single complaint regarding the scheme was concerned with its administration. In Gloucestershire the Parish Paths Liaison Officers took on board some of that work, but at all levels of involvement in the scheme, people seemed disheartened by the paperwork:

"I found it easier to take a lot of the administration...because when Parishes have done it then you will get thirty different ways of filling in a form and they're not done terribly well which is understandable...I've found it easier to do it myself."

(Parish Paths Liaison Officer, Interview 8)

"A lot of my work was on this [monitoring]. In years one and two there was pressure on to produce detailed figures. When we had 60, then 90, parishes in the first two years it became an absurdity - a pointless exercise in paperwork".

(Gloucestershire County Council Officer, Interview 10)

It is suggested that further criticism of one kind or another would lie with the P3 parishes who did not respond to the Gloucestershire survey. The type of local political and social/community issues that the scheme raised in some parishes was interesting. In one Parish the organiser of the P3 scheme was ostracised within his own village for being involved with P3:

"One of the local farmers said to me, in front of the local MP, that this was; 'the most divisive issue that he had ever known in the village' and he was born in the village..."

"...some people are so anti-footpaths for whatever reason that, it has been reported back to me, that they have said that 'we will have nothing to do with village activities while these people [the interviewee and others] are in charge'."

(Parish Paths Co-ordinator, Interview 4)

Again this illustrates the emotiveness of access to land in some places for some people. In the case above, the village community became polarised over the issue leaving those who had attempted to alter the *status quo* in the parish as 'outsiders' - 'othered' (see; Philo, 1993; Crow & Allan, 1994; Milbourne, Forthcoming).



There are possible question marks over the monitoring system set up as part of the scheme. It was clear that in order to persuade parishes to 'get it done' the administrative load, including the monitoring, was removed from their responsibility. The difficulties encountered by non-entrant parishes was not pursued directly however, it was noticeable and admitted to, by the rights of way department in Gloucestershire that some Parishes were only really nominally in the P3 scheme. They had done very little on the ground or were deliberately 'dragging their feet'. The main reasons for this, it is suggested, are that the scheme was controversial within the parish and more specifically opposed by the Parish Council or that no-one was prepared to do the work once agreement in principle was reached. The County Council Parish Paths officer explained that in many villages there was little interest and that in other cases the parishes were "dominated by one or two landowners on the Parish Councils". Some parishes saw the money and took it without fully understanding the ramifications of the scheme (Gloucestershire County Council officer, Interview 10).

*ii. Who are the 'Active Citizens'? The Socio-Economic Background of P3 Respondents in Gloucestershire.*

The Gloucestershire survey incorporated questions concerning the backgrounds of the respondents so that a picture of the type of people involved with the scheme could be assembled. The background of the Participants in the scheme provides useful information regarding the way in which the scheme has operated and why it has been able to achieve what it has done. It was found that the respondents in the survey in Gloucestershire exhibited the following socio-economic characteristics.

The age distribution of the respondents showed that there were very few younger people involved. There were no respondents under 30 years of age - the youngest respondent was aged 36. 60% of the respondents were over the age of 60 with 40% of respondents in the second age bracket (31-60) many of whom were in their fifties. There was a spread of varying residence periods (shown in Figure 7.4).

Figure 7.4 Length of Residence in Parish

Period (yrs)	Proportion% (No.)
0-10yrs =	35% (25)
11-20yrs =	21% (15)
21-30yrs =	22% (16)
31+yrs =	22% (16)

Source: Gloucestershire survey n=72

The majority of respondents were either retirees (56%) or were in full-time employment (34%). Figure 7.5 below illustrates the property ownership distribution of the respondents.

Figure 7.5 Property Ownership Status of Respondents

Ownership status	Proportion (%) (No.)
Owner-occupier =	95.25% (59)
Private rented =	3.25% (2)
Other =	1.5% (1)

Source: Gloucestershire survey n=62

The respondents were also asked how long they had lived in the Parish and from where they had arrived. It was clear that the 'actives' who had been resident for a long period (more than 20 years) were much more likely to be members of amenity groups such as the Ramblers Association. If the participants were not actually members of relevant interest groups they indicated that they had been active in the community in other ways; 70% of the respondents had been involved in other community projects in their parishes and a similar number held some office or post within the community or



were members of some other local group. Examples include; parish councillor, village hall committee, drama groups, meals-on-wheels, playing field associations, school governor.

The clear message is that the make-up of the 'actives' in the Gloucestershire P3 survey are middle-class home-owning professionals who are either retirees or middle-aged. They invariably have no parental responsibilities, 89% of respondent households were without children of school age. They have access to private transport; all, bar two respondents, owned or had access to a car, and many of them were in higher income brackets of £20,000+. Those in lower-income brackets were home-owners on incomes derived from pensions. Only four respondents indicated that they were on incomes of less than £5,000.

The respondents were the Parish Paths Co-ordinators and for this reason some caution should be taken when analysing the social class of participants. They may represent the 'middle-class' management within the P3 scheme, other participants within the parishes may be drawn from a range of socio-economic groups. It is for further research to ascertain, from larger datasets, the classes and class factions who are active citizens in other instances (see Savage *et al*, 1992).

It is possible to conclude, from the other findings, that many of these respondents were the only significant participants. This is supported by the fact that 70% of the P3 work had to be done by contractors (see below). This may be due to a number of factors; intra-class parish conflict, absence of other socio-economic groups in wealthy/high property value areas or, that the key individuals didn't actually want help from people other than perhaps friends and family. It is possible to say that the scheme in Gloucestershire has been dominated by middle-class 'active' citizens who were utilised by the County Council in a facilitative rôle rather than one that involved

'empowerment'. The following sub-section looks at the effect on the scheme in tapping local 'resources'.

### *iii. P3 Unlocking Untapped Resources*

The second aim of P3 was "To unlock hitherto untapped resources at the local level" (Countryside Commission, 1994b). This element is interesting precisely because the statement lacks clarity of definition. Important issues surrounding the notion of 'tapping of resources' are raised: in terms of volunteer labour and any additional financial resource input that would come from individual highway authorities or other sources e.g. Districts, the Parishes themselves or from other private sources. In interview it was explained that:

"We're managing resources as well as we can - we're unlocking that resource where we can."

(Gloucestershire County Council officer, Interview 10)

"...you have to be fairly pragmatic, when you look at the age group, you can't expect them to get too involved in clearing ditches or whatever. It seems to work fairly well with local people getting involved; organising work, being in charge."

(Countryside Commission officer, Interview 11)

The scheme enables local authorities and land owners/occupiers to place *de facto* responsibility for the rights of way network onto unpaid members of the public. Gloucestershire provides some cautionary results suggesting that the notion of 'untapping resources' requires careful consideration. In many parishes there were often already a small group of people who were already active or willing to get involved with volunteer work. 60% of respondents in Gloucestershire had been involved with rights of way matters prior to the P3 scheme. In many instances a single person or perhaps two people are mainly responsible for activity and had been 'actives' prior to the scheme. Without their involvement much of the work would not have been done:

"In this parish apart from me, no-one did anything except talk. The degree of partnership was therefore minimal which was disappointing."

(P3 Co-ordinator, Respondent 103)



"I do not think the Parish Council takes a serious interest. They are not committed enough...If I had not taken on the project [P3] nothing would have been done."

(P3 Co-ordinator, Respondent 37)

The Gloucestershire research found that many parishes had difficulty in attracting volunteers from the parish itself. Instead, outside workers were utilised: either the Cotswolds Wardens, an Employment Training work party or private contractors. The financial assistance that is brought to bear by the P3 scheme enables underlying or latent activity to be expressed. Within the responding parishes it was estimated that prior to the scheme a smaller number of people had been involved in rights of way work whereas after the scheme had begun more people were involved, if only on a short term basis:

"From my point of view it was good I knew that I would have a ready source of money for stiles and what have you...I came to the conclusion that if I came into the scheme it might be the chance. I could get money for this [previously planned works]. Up until then very little had been done apart from surveying and the walks leaflet."

(P3 Co-ordinator, Respondent 93)

Those involved prior to the scheme had been active for a considerable period of time. The average time that respondents in the survey had been involved with rights of way was found to be just under eight years. Of those presenting themselves as having been 'involved' with rights of way, a large proportion, 55% were members of organisations active in rights of way or other environmental volunteer work. Even more of the respondents, 63% had actually been personally active in some aspect of rights of way work, regardless of their membership of a countryside group, the respondents stated that they had an interest or had worked on the system of rights of way before the P3 scheme came into being. A similar number (64%) of the respondents were, or had formerly been, a Parish Councillor. When questioned regarding their roles in the future after the P3 scheme had ended 60% of the respondents stated that they would continue with the same level of work. Only four respondents thought that they would stop altogether. In these cases this was likely to be due to old age or a bad experience

during the scheme's operation. Typical responses about the scheme and the local community were mixed as to the impact on community spirit:

"L\*\*\*\*\*de is a very friendly parish with good community spirit."

(Female, Parish Councillor, aged 71, member of local wildlife trust, resident for 50 years, contractors used for 80% of P3 work)

"Always an excellent community spirit in Town - P3 made little difference."

(Male, aged 65, member of Ramblers Assoc., resident for 16 years, contractors used for 90% of P3 work)

"Good community spirit, any comments regarding the scheme have been favourable."

(Male, Chair of community cttee., aged 52, resident for 12 years, contractors used for 90% of P3 work)

"Good Community spirit P3 has brought various people together."

(Male, aged 46, Parish Councillor, resident for 19 years, contractors used for 60% of P3 work)

"C\*\*\*worth is a friendly, active, working village with a whole range of social activities well supported."

(Male, aged 64, Member of Ramblers Assoc., RSPB and National Trust, resident for 3 years, contractors used for 60% of P3 work)

It was clear that the main reason that P3 was effective in 'unlocking untapped resources' was that the seed money which the scheme provided for materials and equipment had not been available for the 'actives' beforehand. Many of those indicating that they had been involved with rights of way previous to the P3 scheme were doing things that required little or no expenditure, for example; surveying the paths, reporting problems or were doing work under the auspices of a national body such as BTCV whose projects may or may not have been located in their own area. The notion that the scheme helped local people focus on their own piece of the rights of way network draws from the notions of self-help and from Communitarian ideas of matching responsibilities with rights. However this rhetoric is rendered empty if local people do not get involved *en masse* and importantly, if such involvement is not lasting.



#### *iv. The Use of Contractors in Gloucestershire*

As noted previously, Gloucestershire has an unusually high number of participant parishes (103). An interesting finding of the Gloucestershire survey was that, when asked to estimate the amount of work done by contractors; an average of 70% of P3 work had been undertaken by contractors in the respondent parishes. It was found that at least some work was done by contractors in three-quarters of the responding parishes. This finding was not disputed by the Gloucestershire rights of way department. In their P3 guide Gloucestershire County Council repeat the message that the Countryside Commission put forward as the *raison d'être* of the scheme:

"The Parish Paths Partnership (P3) was launched in 1992 by the Countryside Commission as a nationwide initiative aimed at harnessing local people's enthusiasm and interest for Public Rights of Way in order to open up the local rights of way network."

(Gloucestershire County Council, 1995a)

There are underlying reasons for the large-scale use of contractors in Gloucestershire; firstly the age distribution of the participants - many were retired, secondly that some parishes couldn't raise enough volunteers for the necessary work, also that the nature of some of the work was skilled or complex. At interview the P3 co-ordinator for Gloucestershire explained the high proportion of work done by contractors thus:

"...getting work done to a good standard is slightly more important than the slightly woolly idea to get voluntary labour...we have one contractor...he followed on from supervising the ET team, he's done probably 80% of the contract work he's probably subcontracted some of that though."

(Gloucestershire County Council officer, Interview 10)

The extensive use of contractors appears to be against the spirit of the scheme, however it is very much in line with the 'getting things done' ethic. When challenged about the use of contractors within the P3 scheme the Countryside Commission emphasised that the scheme should really be about voluntarism:

"The original vision [of P3] was that parishes would do all but the most complex tasks themselves, some are, but there is a tendency to revert to contractors...we've stuck to the premise that P3 was about community action."

(Countryside Commission officer, Interview 11)

There are some interesting underlying features of the scheme in Gloucestershire. The County, in retrospect, has enrolled parishes into the P3 scheme who have proven to be disinterested or unable for whatever reason to get works underway. It was clear from the Gloucestershire survey that some parishes had P3 Co-ordinators whose main role was to deal with administration. If someone could be found to act as P3 Co-ordinator then the funding for projects in that parish would be available they acted as a figurehead to which grant monies could be attributed. Eventually the actual work could then be carried out by contractors working nominally under the P3 scheme. The County Council's priority was ensuring that they get as much out of the P3 scheme as possible in this way as part of a prudent usage of scarce resources.

*v. P3 as a Mechanism to Allow Highway Authorities to Prioritise*

Much of the work undertaken as part of the P3 scheme is a statutory duty of either the Highway Authority or the landowner over whose land the right of way in question runs<sup>3</sup>. This point is one which is central to the legitimacy of the Parish Paths Partnership scheme: Highway Authorities are often unable to either perform all of their statutory duties or enforce the responsibilities of others with regard to the rights of way network these problems have been explicitly acknowledged:

"In simplistic terms we estimate we have a backlog of £6 - £8 million worth of work that needs doing and then we'd need about £1 million to run the show after that to comply with the law. We currently put in half a million so we're never going to catch up. The scale is so great that all we can ever do here is respond to complaints."

(County Council officer, South-East England, CALG Interview 54)

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<sup>3</sup> However, for varying reasons neither manage to fulfil their responsibilities effectively.



This situation is common amongst Highway Authorities (see Chapter Six) and brings into question the accountability of the HAs in their operation and administration of Rights of Way in their respective areas. The P3 scheme, seemingly, allows HAs to progress on the targets of the Recreation 2000 objective at a significantly lower cost than would otherwise be the case if they attempted to carry the work out themselves. The PACEC report (1995) discovered that many Highway Authorities had directed time and resources to the scheme that would have been used elsewhere and in terms of allowing them to prioritise: the scheme has not enabled them to carry out other responsibilities.

The findings concerning this element of the scheme, focused on the Highway Authority itself and tended to confirm the findings of the PACEC report which indicated that rather than freeing up resources the scheme did and was likely to generate more resource demands. At interview the co-ordinating Rights of Way Officer for the scheme in Gloucestershire explained and confirmed that the problem for the Highway Authority was that the scheme generates more work for the rights of way section in the medium to long term:

"In terms of officer time it has been shared equally [with non-P3 work] because of support and advice to the PPOs and there are outstanding legal problems...In the first short period they [complaints] dipped as the Parish Councils expectations were high - Parish Councils are one of the main complainants because people pass their complaints onto them - as people realised that P3 wasn't the panacea for rights of way what has happened subsequently is that as paths are opened up, where they have been opened by P3, there is now the problem of surface maintenance."

(Gloucestershire County Council officer, Interview 10)

Because the County has so many Parishes involved in the P3 scheme the work that is done is viewed as being integral to their overall long-term objectives. The Highways Authority is hoping that through the ongoing cyclical maintenance scheme, that they are operating for parishes who finish the scheme, many of the extra work implications can be shared with the parish itself. The growth in work on rights of way is, paradoxically, likely to continue as more work is done and as more people either get

involved with rights of way, or gain more knowledge about their local paths. The long term implication for rights of way and countryside access generally is that more activity and publicity is likely to bring more informed discontent amongst the public and heighten pressure for more resources to be brought to bear on countryside recreation matters. Active citizens once activated are likely to demand more in terms of services or process involvement. Therefore the HAs are faced, in a time of scarce resources, with a paradox: the more work carried out on the network the more demand for improvement will be generated. therefore it is suggested that the stimulation of the 'active' citizen is firstly dependent upon financial pump-priming and secondly that continued activity is dependent on continued (possibly enhanced) resource inputs.

*vi. The Establishment of Improved Efficiency, Effectiveness and Economy in Opening up the Rights of Way Network*

This fourth and last objective is three pronged; aiming to improve efficiency, effectiveness and render the upkeep of the rights of way network more economic. This objective is a very wide aim. The section is the most lengthy in the 1995 PACEC report totalling 20 pages. This is unsurprising since the Countryside Commission needed to demonstrate the 'value for money' aspect of the scheme to the Department of the Environment.

The resource input amount, per parish in Gloucestershire, was £833. The Highway Authority contributed 12.5% to the total funding with the Commission funding 70% at 75% grant aid and 17.5% at 50% grant aid. The approximate total input over the first three years was £150,000 providing an increase of 20% of usable rights of way within the P3 parishes.

The statistics look, at first glance, to be appealing; the notion of measuring efficiency, effectiveness and economy is in effect an overview of the scheme in the terms required by the Countryside Commission and the Department of the Environment. All



of the four aims require analysis in terms of their efficiency, effectiveness and economy. The PACEC report (1995:p1) acknowledges this:

"The role of the evaluation process was to consider the efficiency and effectiveness of the Parish Paths Partnership in meeting the four main objectives set by the Countryside Commission for the scheme."

The measurement of output in relation to input of resources is important in order to assess the financial accountability and economy of the P3 scheme. The PACEC report estimated that the value of volunteer days nationally put into the scheme was equivalent to £600,333 over the two years 1993-4 and 1994-5, this represented 64% of the Parish grants for the two years. The scheme brought 6,968 km more rights of way under active management: an estimated 143% increase in the proportion of the network under active management. The scheme brought into use 2,341 km of rights of way this averaged out at 2.55km per participant parish nationally.

There are approximately 4,800 km of rights of way in Gloucestershire (Gloucestershire County Council Officer, Interview 10). The County do not know with certainty, the length of ROW opened via the P3 scheme. Using available information it can be calculated that up to 1584 km of rights of way were involved in the first three years of P3. The average length of right of way per parish in Gloucestershire is 17.6km. An approximation would be a cost of £95 per km of right of way in the P3 scheme if (and it is unlikely to be the case) the whole length of rights of way in the participant parishes were opened and or usable. It is far more likely that a smaller percentage of the length of rights of way was opened per parish through the scheme, thus driving the cost of the scheme upward on those terms. The cost per km of right of way opened in Gloucestershire compared favourably with the national average: it cost approximately £105 per km in Gloucestershire (refer to Figure 7.2)<sup>4</sup>.

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<sup>4</sup> When compared to the Wayfinder scheme in Nottinghamshire it was found that, in monetary terms, the cost per km of right of way there was £65: less than the national P3 scheme spend by 400% (£261). The Wayfinder scheme paid farmers direct to do the necessary works.

It is suggested that works will not continue to a great extent after the funding for the scheme ends (PACEC, 1995). The findings of the Gloucestershire survey were such that people involved with the scheme may want to carry out works on the network. However, there are a number of factors which will inevitably hinder them they include: the agedness/physical ability of the participants, the monetary impetus of the scheme, the small numbers of participants per parish and wearing-down of interest in the project over time. In addition to this the responsibility for paths will still rest with the Highway Authority and the landowner/occupier: local participants tend to view the three years of P3 participation as a 'one-off' amnesty:

"I can foresee a problem...I hope our stiles will last for a long time but say in five years time one of them goes - now whether the landowner replaces it - what the County Council will do about it I don't know. I'm thinking of not only of this parish but of all the parishes. It must add up to quite a bit of money being spent - you see the landowners aren't paying for it - looking at it from the County Council's point of view i would expect a return from those people [landowners] that have had work done."

(P3 Co-ordinator, Interview 1)

The shift in responsibility for the paths to individuals has several effects. One of the effects is the selection and prioritisation of paths. It may suit a vested interest that the *status quo* is observed: the local/micro political situation in any particular parish can dictate what happens in the P3 scheme. Paths that are clearly in use or widely known about before the scheme's operation are incorporated into the P3 programme while other paths are left unmaintained. This minimises the perceived effect on such a *status quo*. The likelihood is that Highway Authorities, with resource restrictions, will divert those limited monies into parishes where the P3 scheme does not operate. This point was conceded by Gloucestershire County Council in interview (Interview 10). This may leave the participating parishes with parts of the network neglected and the challenge to the *status quo* resisted from within. This may be especially so where influential landowners, farmers or other persons who have an unmaintained path running through or near their property sit on the Parish Council. Again, those who hold land capital or intellectual or cultural capital (Murdoch & Marsden, 1994).



## 7.4 Why is P3 Labelled as a 'Success'?

### *i. The Boundaries of What is Examined and What is Not*

The explicit aims which the Countryside Commission laid out for P3 and therefore PACEC's report itself does not tell the whole story about the scheme's effects, outcomes and failings. It is interesting to analyse the scheme's performance against the four set objectives, however as with most policies it is more difficult to set out the less tangible or non-quantifiable benefits or dis-benefits that policy can engender. Indeed many reviews of policy fail to address some of these non-identified or unproblematised outcomes or externalities that can result from the implementation of policy. Some of those externalities can hold significant meaning for attributions regarding the success/failure or legitimacy of a particular policy. These are clearly subjective and therefore political judgements, as opposed to the hidden subjectivity of performance assessment based solely on 'depoliticised' criteria of cost and physical achievements on the ground.

The nature of what is a problem and in this case what the aims and outcomes of the monitoring of policy should include are mutable. In short, the boundaries of what is and what is not investigated is an arbitrary and thus inherently political decision.

Callon observes that:

"...an initial frontier is traced between what is analysed and what is not, between what is considered relevant and what is suppressed, kept silent... "

"...protagonists are involved in a never ending struggle to impose their own definitions and to make sure that their view of how reality should be divided up prevails..."

(Callon, 1980:p198-207)

The primary research conducted attempted to impose a wider frame of reference within which to judge the P3 scheme.

## *ii. The 'Spirit' of the Scheme*

The DoE and the Countryside Commission state that the P3 scheme is about empowerment at the local level. The notion of empowerment is not a simple one: the well known eight-runged ladder of citizen participation developed by Arnstein (shown in Figure 6.9) during the 1960s is re-analysed and reconstructed here in relation to the P3 scheme as an exercise in participation and empowerment (see, Fagence 1977).

The way in which people get active in the physical sense does not fit exactly with the way that people may get involved politically in the planning process. For the purposes of looking at P3 the ladder is modified and shown in Figure 7.6. The ladder below attempts to make sense of the participation of the actors in the P3 scheme. Arnstein's ladder portrays the viewpoint of the planner - it is more enlightening to view empowerment from the viewpoint of the participant: this is expressed below.



Figure 7.6 Ladder of Citizen Participation Viewed by the P3 Participant

# Rung of participation	Level	Actor(s)
8 Control	Power	DoE/Countryside Commission
7 Bounded control		Countryside Commission/HAs
6 Partnership		HAs/PPLOs/Parish Councils
<hr/>		
5 Minor decision making	Tokenism	PPLOs/P3 Co-ordinators
4 Admin figurehead		Parish Co-ordinators
3 Casual labour		'Active' citizens*
<hr/>		
2 Indifference/ignorance	Nonparticipation	Other citizens
1 Animosity		Vested interests
0 Exclusion		Marginalised/Powerless
* 'casuals' or 'actives' plus groups such as the Cotswolds Wardens		

This ladder simplifies the full range of both participation and non-participation; there are external (push-pull) factors that shape the participation. These factors can emanate from a variety of sources; institutions, pressure/interest groups, political hierarchies and from other social and cultural inhibitors. The key to the participatory influence involved requires the location of power within the actor-network.

Participation in the statutory land-use planning process is normally one which is defined in terms of the political activity entered into or allowed on the part of the public (Fagence, 1977; Murdoch & Marsden, 1994). The various actors in the P3 scheme all exercise some control and participate in the policy implementation: overall control rests with the Countryside Commission and the Department of the Environment. The Highway Authorities enter into partnership both with the

Commission above and with the Parishes/Parish Councils below. The agents of the HAs step in at rung #5 - the PPOs and below them the 'actives' and the 'casuals' plus the vested interests (reticent Parish Councils, landowners other persons affected) at rung #1. An additional level has been added (labelled as rung #0). This keys into other research currently being conducted in rural studies and possible future research in citizenship and participation. This is not a rung at all, the people located here are those who are unable to gain access to the ladder, such as marginalised groups. Such people may not be waiting at the bottom of this conceptual ladder looking wistfully at the P3 scheme, however this may prove to be the case in places such as Taunton Deane.

There is very little power or scope for decision-making, except for the prioritisation of paths, vested at the parish level with the P3 scheme. Even though the scheme purports to be one that allows people to 'be involved' it in fact allows people to volunteer to carry out works that have up until then been the responsibility of either the landowner or the Highways Authority. It is argued here that this type of participation delivers a change in terms of the distribution of rights without any individual long term benefit to the participants or communities themselves: a participation borne of frustration at the system of access provision. It is argued throughout this thesis that policy changes invariably deliver shifts in citizenship envelopes. The activity stimulated by P3 cannot be relied upon for anything other than a short-term and patchy remedy.

It is part of the analysis of the scheme and of citizenship in the countryside more generally that a discussion concerning the underlying rationale and outcomes which this participation brings is explored here. There were tensions between various groups discovered in the Gloucestershire research, between incomers and 'indigenous' populations between landowners and 'ordinary' people. Between established volunteer groups and the new P3 volunteers. The wish to open up the rights of way network on the part of some rural in-migrants is not always shared by other sections of a



community. This highlights tensions based on differing perceptions of what the rural experience should and does consist of what can be conceptualised as a 'myth- match'.

### *iii. Community and the 'Habitus'.*

Within the survey questionnaire several questions regarding the 'sense of community' and the effect on relationships between the various parties involved in the scheme were posed. One of the main areas to be explored here concerns the relationships that are unintentionally brought about as an effect of the scheme. Some of the responses from the survey are included below they are insightful because it is clear that some friction and also some 'sense of community' was stirred in some places:

"I much better understand the lot of the farming community in a general sense."

(P3 Co-ordinator, Respondent 9)

"I am a little less sanguine about the 'democracy' of the Parish Council."

(P3 Co-ordinator, Respondent 20)

"The community are well aware of the value of footpaths around the Town for us all to use."

(P3 Co-ordinator, Respondent 32)

"I have found that the community have one thing in common and that is walking."

(P3 Co-ordinator, Respondent 35)

Through the survey results and through information gathered at interview it became clear that the P3 scheme in Gloucestershire had a minimal effect in the majority of parishes on peoples' sense of community. This point is illustrated by responses that questioned the notion that the P3 did or could bring about any positive community 'development':

"I expected parishioners and Parish Council to be much more involved, but in spite of publicity, meetings, and prodding the response has been pathetic."

(P3 Co-ordinator, Respondent 3)

"The people involved in P3 generally are the same people involved in other aspects of village life. The saying 'if you want something done ask a busy person' sums it up."

(P3 Co-ordinator, Respondent 62)

"There is much apathy from the majority of villagers."

(P3 Co-ordinator, Respondent 68)

"All work we have done is taken very much for granted and we get more complaints than praise for our efforts."

(P3 Co-ordinator, Respondent 48)

There are a number of factors that play a part in this. Small numbers of people per parish were involved with the scheme and that, with the exception of a small group of parishes who seemingly managed to motivate their parishioners, little was achieved without contractors and at relatively high financial cost. More detailed analysis of other experiences of the scheme in other areas of England may be useful to explore this issue further; especially as different Highways Authorities have some scope to interpret and implement the scheme differently.

### **7.5 Conclusion: Voluntarism and Citizenship**

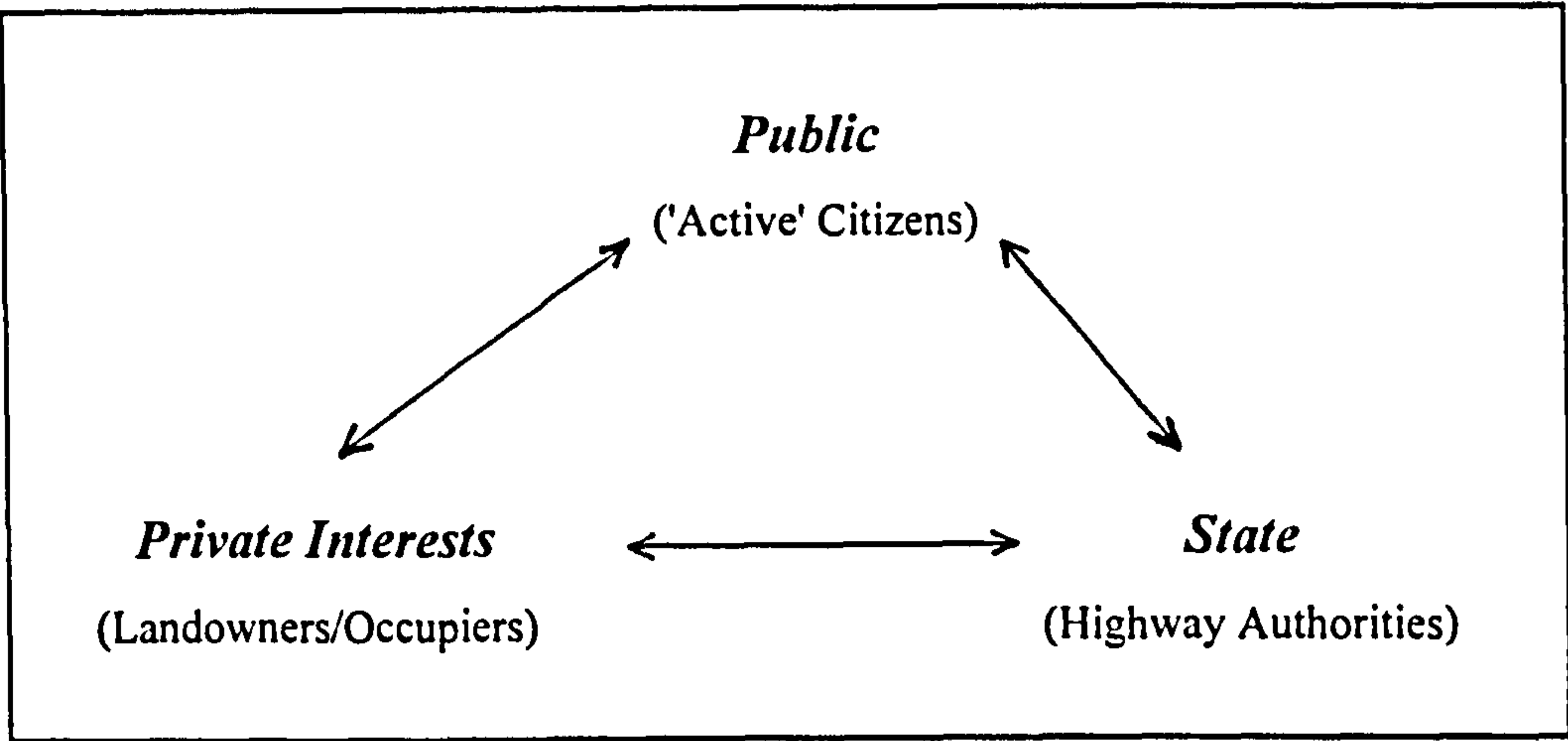
The issues surrounding the P3 scheme are complex. There are issues concerning planning and economics; the extensive use of contractors, lack of liaison, resources used, standard of work, durability and fiscal and managerial accountability. Secondly, there are other social, cultural and community considerations: the ability/legitimacy of Parish Councils/Councillors, the attitudes of local landowners and farmers, pre-existing local institutional arrangements, *de facto* rights and responsibilities and the possible effects of P3 upon those rights and responsibilities. Importantly there are wider issues involved concerning citizenship and the political restructuring taking place in the UK (see Chapter Eight, below).

The concept of citizenship is crucially concerned with the relationship between the state and the individual - wherever there is a change in the relationship between the state and the individual there is a change in the citizenship envelope (see Figure 7.7 and refer to Chapter Three). Ungerson (1992:p143) underlines this point:



"[citizenship] is concerned with how the individual and the state relate to each other across public concerns, and how public institutions, such as the judiciary and the polity, mediate that relationship."

Figure 7.7 Simplified Right/Responsibility Relationship



Some of the differing facets of citizenship stimulated by the policies discussed here are fundamentally different in terms of their political meaning: rights and responsibilities are conceptualised differently by political actors. The political rhetoric of citizenship and specifically the active citizen are moulded by the policies and politics of the moment (see van Gunsteren, 1994). The Parish Paths Partnership scheme has been welcomed by the present government as a 'success' (DoE/MAFF, 1995). It can be said that much of its success has been in terms of the physical work completed. It has to be queried whether the work could have been achieved at a lower cost and with less onus or responsibility placed on the 'actives' within rural communities where local politics can often make the effective implementation of a policy such as P3 difficult or socially awkward for the individual(s) involved. The P3 scheme, while using the rhetoric of participation or empowerment, tends to continue the trait of exploiting individuals to carry out tasks for which legal responsibility already exists. The Parish Paths Partnership scheme is a clear shift of *de facto* responsibility from state to individual.

The effects on the participants and the long term viability of the scheme are difficult to ascertain, however, it is clear that wherever a *status quo* is altered by an individual or small group within a community there is likely to be some opposition from an opposing element, this is one of the problems that the changing countryside faces; how to reconcile the aspirations of new incomers with the experiences and practices of the more established population in the customary habitus.

The P3 scheme also enables Ramblers Association members or members of other amenity societies, to assist in achieving the policy objective of opening up the rights of way network themselves, physically, as part of a broadly top-down policy initiative. In this way such 'actives' are 'enrolled', rather than attempting to challenge policy in forums such as CALGs. The scheme does not allow for any participation in the process of policy formulation or decision-making within the system (except to subvert the intended outcomes of the scheme). The literature concerning participation (dating mostly from the 1960s and 1970s) concentrates on the political involvement of the 'active' citizen in the planning process. In the case of P3, involvement was as a labour unit or physically active citizen divorced from the politics of the action.

The 'active' citizen who is enrolled into the P3 scheme is one who is basically a volunteer - someone who is willing to assist. In this case the assistance is required by the state in tackling a particular problem by physically 'getting something done' on the ground. The volunteers have the role of P3 participant assigned to them, they are 'black-boxed': their voices have been effectively absorbed by the macro-actors - the DoE, Countryside Commission and then they are asked to fulfil their 'responsibility' as citizens - but importantly as actors in the process enabling the policy in the first place (Callon & Latour, 1986; Smith, 1993) . Those who are not within the network - the recalcitrants signified in Figure 7.6 - will unsurprisingly resist the move on the ground from state responsibility to individual responsibility; they have not been 'black-boxed'. For at least some of them their non-participation is a political



statement. There will be other factors that impede the ethic of responsibility (Etzioni, 1993) such as historical rights/responsibility distributions (from the habitus) or more immediate concerns: changes to the rights of way network may harm personal interests such as property values.

The research indicates that the State through the DoE, the Countryside Commission and the different HAs have common policy objectives (to open up the rights of way network) and that this is shared by a significant proportion of the public. Yet there has historically been a set of problems which have impeded the fulfilment of the objective. There are two main inertias: first is the resource base of HAs: this restricts their ability to meet statutory requirements in terms of maintenance and enforcement. This allows the second inertia: resistance to legal compliance on the part of landowners.

The following discussion chapter explores further the issues raised both here and in the preceding chapter and reviews the findings of the empirical work in the light of the analyses made in Part One of the thesis.

## Chapter Eight

### *Discussion: Citizenship and Rights of Access in the Countryside*

"It is a question of how much property and rights can we allow a person to possess even under the conditions of a modern economy...collective ownership is, if you reflect for a second, a contradiction in terms. Property is what belongs to me; ownership relates to what is my own by definition...our problem today is not to expropriate the expropriators, but, rather, how to arrange matters so that the masses dispossessed by industrial society in capitalist and socialist systems, can regain property."

(Arendt, 1973:p174-5)

### **8.0 Introduction**

The thesis has discussed the historical development of countryside access, the development of citizenship rights distributions and citizenship theory. Part One charted the establishment and curtailment of rights and rights-claims in terms of access to the countryside. In Chapters Six and Seven CALGs and the P3 scheme were explored as vehicles for citizen action. They provided examples of citizen attempts to engage with policy makers and as vehicles for 'active' citizenship through participation. These latter chapters, in an applied way, uncovered how citizens' participation is structured by powerful interests as part of wider processes of political, economic and social change. Through the use of the conceptual scheme developed in Chapter Four (Figure 4.2), CALGs and P3 are assessed. They both illustrate how participation in the policy process is constructed as 'good' citizenship. The way in which such phenomena and processes of change restructure the lived environment or the habitus is also revisited.

Restructuring processes affecting the English countryside are explicitly examined in this chapter in relation to the examples of citizen action described and policy forms put in train by Conservative governments since 1979. The response of government to social change and protest illustrate how citizenship, as political project, has been constructed over the last seventeen years. The various processes at work are



interlinked and have significant, sometimes conflicting, influences on the countryside and on the way that the countryside is conceptualised or constructed. This Chapter synthesises the findings of chapters Six and Seven and relates them to the analysis contained in Part One of the thesis. Lastly, the policy and theoretical implications of the findings, set out in the preceding chapters, are viewed together and related to wider processes and concepts current in rural society.

### **8.1 Review: Countryside Access and the Brokerage of Rights**

The CALG research and the P3 research can both be viewed in the light of Figure 4.2 which is reproduced below, in terms of 'good' citizen participation and can also be placed into the continua identified in that Figure. In theoretical terms this participation is structured by the power relationships surrounding each phenomenon. The examples of CALGs and the P3 scheme provide information on how different interests mediate or broker rights and rights claims. Each of the two empirical chapters are reviewed below and the way in which the examples of participation stand against the conceptual scheme (Figure 4.2), devised in Chapter Four, is discussed.

There are three main linked areas of concern discussed within this Chapter; the participation and 'empowerment' of local communities; the funding and political restructuring of local government and; the renegotiation of rights and responsibilities in the countryside, be they *de facto* or *de jure*. These elements are also affected by the way in which levels and types of citizenship participation are structured by the state. This can also be expressed more succinctly as the effect of policy and practice on the *habitus*.

#### *i. Participation Conceptualised*

Some empowerment initiatives are reliant on voluntarism where the use of 'active' citizens, volunteers, is made to carry out duties set down by others. Other examples, involve 'real' empowerment: where citizens have scope for decision-making and/or

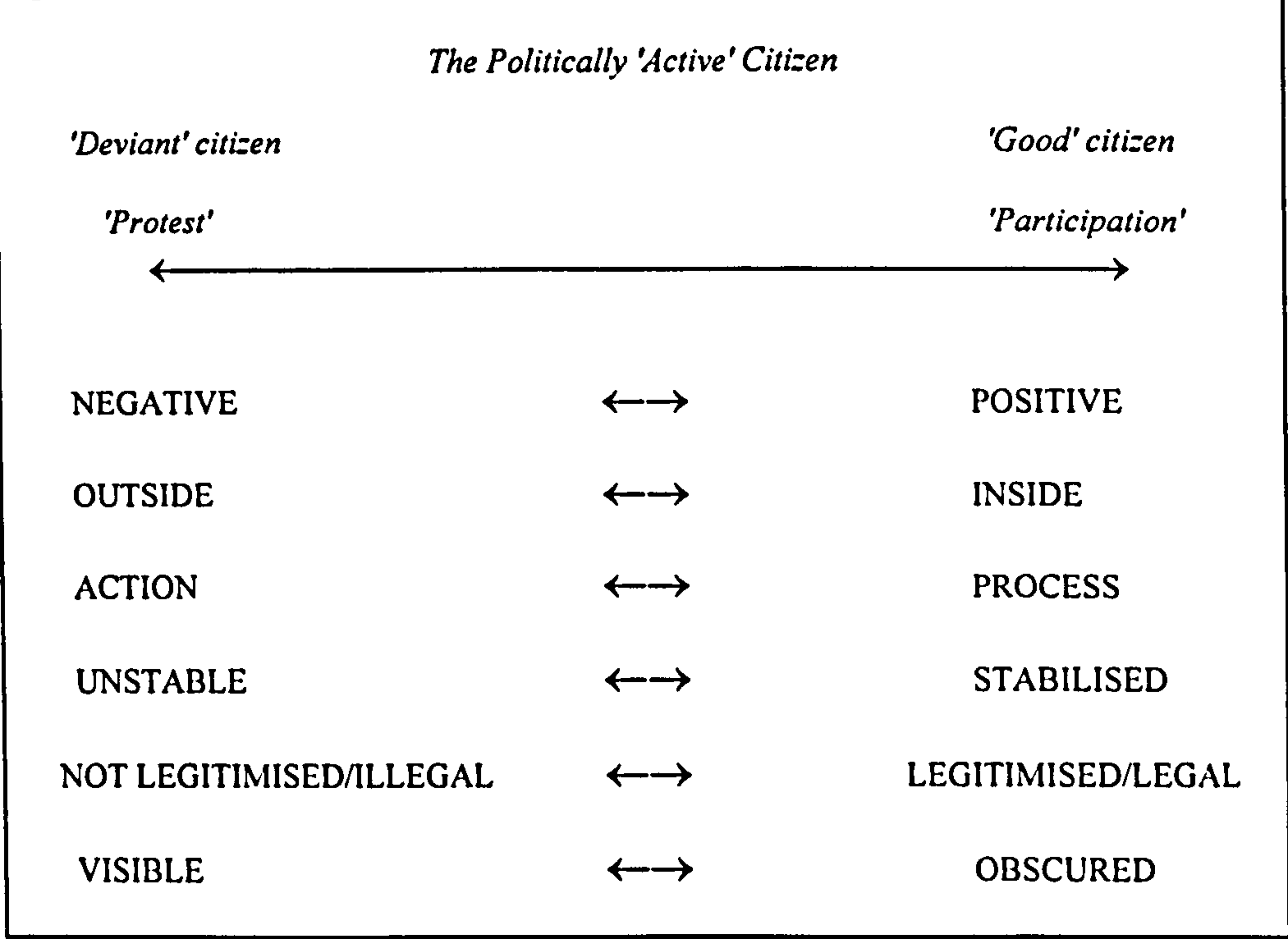
policy formulation. Again the extent and level of voluntarism and the entailed local 'empowerment' affects the habitus.

Empowerment has been used extensively, during the 1990s, in policies emanating from central and local government and from policies prepared by voluntary or interest groups. The concept of 'empowerment' can be a convenient label for placing responsibilities (often expensive, state responsibilities) onto citizens without regard for the matching of (power) rights to those responsibilities. In these instances empowerment has been used as a legitimation tag. The second important point here concerns the legitimacy and representativeness of local 'actives' to carry out (delegated) tasks. This is open to question, especially so in the case of countryside access and rural communities, where there are sets of historical relationships which, although undergoing change, still influence who and how particular tasks may be carried out and in whose favour those responsibilities will be discharged, if at all. The relatively small number of 'actives' present in any particular parish or locale may not reflect the cross-section of views or values present within the community and thus opens up some locally based schemes to criticism based on issues of accountability or distributional justice. This is because of the power relationships present within localities in rural areas.

Figure 4.2 is reproduced below and the conceptual scheme shown in Chapter Four is re-examined. The continua illustrate how varying forms of 'participation' are portrayed and how they are structured and positioned by the state and other powerful interests. Many forms of protest can be viewed as 'outsider' participation and vice versa, as 'insider' protest. The continua are explained in relation to CALGs and the P3 scheme research in the following subsections.



Figure 4.2 The Politically 'Active' Citizen: continua of protest and participation



The underlying philosophical basis for 'active' citizenship is mixed. There are clear individualistic, self-help undertones, but there are also notions of Communitarian or community-regarding values evident. It really depends on the particularities of different policies, the stage at which citizens are involved in the policy/decision-making process and the attitude of powerful interests regarding the activities that are being undertaken. Some contemporary environmental policies, such as the Local Agenda 21 scheme, while emphasising the individual/household 'responsibility' towards the environment, also infers a strong community/future generational component. The key is what value system infuses the action at the formulation and at the implementation stage and how the state chooses to view the action: somewhere along the 'good'/'deviant' axis of Figure 4.2.

Public participation in policy formulation, and decision-making generally, takes place within the framework of representative democracy (whereas 'protest' tends to take place 'outside' of this framework). Essentially, moves on the part of groups or individuals are made to temper a representative system, that has recently been labelled

as an 'elective dictatorship' (see Stewart & Stoker, 1995), with a participatory or community element of government (Stewart, 1995). There is little evidence to suggest that, at the parish level, such national trends will not be reproduced. With 'Lay Elites' also labelled the 'New Magistracy' being in perpetual control of the local political system.

Figure 4.2 illustrates that participation may take place 'inside' or 'outside' of legitimised forums or other participation opportunities that are provided by the state<sup>1</sup>. Informal measures such as CALGs or measures implemented through local government (P3 and CALGs) will inevitably encounter some resistance on the part of elected representatives (or their agents) who, unsurprisingly perhaps, view that their rôle is undermined by real power sharing with (unelected) participants or 'active' citizens<sup>2</sup>. Therefore, as found with the P3 scheme, policy using empowerment rhetoric may in fact allow little opportunity for empowerment in the sense that people can make choices or decisions regarding policy or policy implementation.

The Tarmac example set out in Chapter Four shows that it is often easier for commercial/private interests to 'empower' sections of the public, especially where that empowerment allows better informed commercial decisions to be made. This is so because the interest of that individual or company can be assisted through the information that such empowerment can bring them. However, cynically, the decisive factors in Tarmac pulling out of the Newbury contract tender process was the combination of the prospect of extortionate security bills and bad publicity. These in turn did not make the bypass project economically viable rather than the direct influence of the environmental forum being more than a contributory or 'face saving' factor. Thus a form of consumer-citizenship pressure was the most compelling reason

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<sup>1</sup> An example of such participation is the public consultation process on development plans.

<sup>2</sup> Although Parish bodies are mostly elected, there are a number of influences present within the habitus that render voting on the small scale unrepresentative of interests other than those which are dominant.



for Tarmac retracting their tender bid<sup>3</sup>. This case would also provide interesting further research. Below, the empirical work is set against the theoretical and contemporary analyses set out here and in Part One of the thesis.

## *ii. CALGs and the Enrolment of Interests in the Countryside*

CALGs reflect the way that smaller interests are treated and how such interests might fare if they attempted to engage with powerholders and policy makers as 'insider' participants. The CALG study showed that the smaller or less powerful interests were largely ineffective in influencing powerful interests - although there were some notable exceptions. It seemed that the CALGs were often unable to make much progress on policy matters. However the CALGs did provide cross-party information points - in at least one instance this information was used against the local authority in question. In that example the active citizens representing the user interests were 'empowered'. However to utilise their empowerment they had to operate outside the 'corporatist' framework of the CALG set-up in order to lobby the local authority more effectively.

Although many of the participants in the groups felt there were benefits to be had from being involved, it was the local authorities who really benefited. The groups have become essentially a strategy by which local authorities can attempt to control and manipulate the various interests, all of whom demand different things from the local authority<sup>4</sup>. The CALGs, whilst appearing to be corporatist in nature, are used to attempt to control potentially damaging publicity or legal challenges against the local authority. In this sense the activities and participation of the members is obscured and the participation is very much part of a slow bureaucratic process which stabilises the potentially volatile nature of conflicting rights-claims.

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<sup>3</sup> Costain construction, the selected contractor for the Newbury contract issued a statement on September 6th 1996 stating that they also are 'reconsidering their position' following their AGM in early September where consumer-protesters demanded that the company pull out of the contract (Friends of the Earth. 1996).

<sup>4</sup> Although many of the CALGs were set up 'in good faith' because 'it seemed to be a good idea to talk to each other' the external constraints placed on Local Authorities, such as limited funds, have rendered many CALGs as holding exercises.

The smaller or minority interests wanted to join the CALGs because they viewed them as opportunities to get their voices heard. However in many cases the smaller interests were sidelined and their claims were obscured: they were blackboxed by other interests. This was done through the enrolment of the micro/minority interest into the macro-actors own interests or because they had no real alternative methods of being heard, apart from 'outsider' tactics that would not attract media or public attention due to their minority status<sup>5</sup>.

The rôle of the Ramblers Association, in terms of the organisation of their participation/protest in relation to countryside access, is especially interesting because they employ the full range of strategies to defend and extend their rights in connection with countryside access. They have representatives on all of the CALGs and at the national level they are one of the prime movers behind the Better Way Forward group of the Rights of Way Review committee. Their tactics do not simply involve the consultation/liaison or 'insider' strategies required by such forums. They stage a variety of publicity 'stunts' and articles concerning their activities, or the wrongdoings of landowners, frequently appear in the national media. These 'outsider' tactics place the Ramblers Association at the forefront of the debate over countryside access. It is the case however, that the use of this range of pressure tactics can cause some tension. At the local level members of the Ramblers often do not understand why the national campaigns are so antagonistic towards landowners/occupiers. The effect that some of the activities, emanating from the national level, have on CALG relations are often negative, not allowing trust to build up between parties. When relating Ramblers Association activities to Figure 4.2 it is clear that their strategies involve movement, in either direction, along all of the continua. The executive of the Ramblers use various strategies simultaneously in order to avoid being 'blackboxed'.

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<sup>5</sup> For example four wheel drive and the mountain bike interests have tended to have a poor public image yet as 'insiders' in the policy process they can attempt to influence the local authority to claim rights.



The CALGs, operated through local authorities, attempt to enrol the various interests in countryside access, yet the groups lack any empowerment function. There is little tangible benefit, although there are some other less tangible advantages as discussed in Chapter Six, to be had by the user groups. The landowning/occupying interests are very well represented on the groups, primarily by CLA and NFU representatives. Their role is to maintain the *status quo*, regarding access rights, and to observe their stated policies on rights of way, in the hope that by being outwardly co-operative they can avoid any major changes in legislation concerning countryside access as promised by the Labour party. The research in Chapter Six showed that while CALGs were effective as information exchange points, many of the interests really wanted 'empowerment' in the decision-making process. The legitimacy of this would be questionable with the groups as they stand because of the dominance of landowning representation and the Ramblers Association. In any case, for the most part, the institutional obstacles present and the manoeuvring of the CLA and the NFU halted any such empowerment of user groups.

Chapter Four showed there are a range of alternative strategies that citizens can take in order to further their rights-claims. There has been a marked increase in the use of similar forums to CALGs in other areas of public life. The example illustrated in Chapter Four was the Tarmac environment forum, that eventually influenced the company to pull out from the Newbury bypass contract. Such forums are often used tokenistically or, as argued here, to attempt to enrol interests into the particular project of one or more of the actors. It was seen that different groups reacted differently; in one case study the group disbanded and the less powerful interests preferred to 'participate' in debate as outsiders, thus retaining their independence and ability to speak out. They didn't want to be 'blackboxed'.

Other macro-actors are successful in the 'blackboxing' process and the groups are directed by the interests of the macro-actor. The enrolment of the various interests stabilises the criticism and argument over the administration and nature of countryside access provision, thus placing CALG members on the 'good' citizen side of the model shown in Figure 4.2. However, as illustrated in Chapter Six, some CALG members shift their strategies, for example through destabilisation of the CALG in one of the case studies, forcing its abandonment, and thus shifting towards 'deviant' citizen behaviour or more visible 'protest' on the part of some of the former CALG members. The bureaucratic nature of much insider participation and the professional advocacy of interests, who counter claims made by less powerful interests, gives rise to tactics, on the part of the less powerful interests that are borne of frustration and become negative blocking tactics rather than attempts to positively influence decisions or policymaking.

### *iii. The Parish Paths Partnership and Political Façadism*

The Countryside Commission policy, to open up all rights of way by the year 2000, was adopted by the DoE in 1991. This policy therefore, became official central government policy even though, at the time, efforts to reach the year 2000 target were not likely to meet the target. The second element of the empirical research, involving the P3 scheme, showed that scheme used the rhetoric of 'active' citizenship and 'empowerment' as legitimators to encourage local authorities and local people to carry out work on the rights of way network. The scheme was made façadist by the top-down reality of the scheme and the way in which local government implemented it. Such factors place the P3 scheme and its participants firmly in the 'good' citizen category.

The research in Chapter Seven showed that the potential political dynamism of 'empowerment' was appropriated, depoliticised and then packaged as 'local community empowerment', by central government. The Gloucestershire study showed



that much of the works done as part of the scheme had been carried out by contractors. The County under study had a large number of parishes involved with the scheme but seemed mainly interested in the extra grant aid that the scheme offered. In a sense this involved the 'purchase' of empowerment by the state. Additionally, pre-existing rights of way 'actives' in the county had been antagonised by the P3 scheme. Their activities (forming part of the existing habitus) were likely to be disturbed.

Parish Paths Partnership provides an interesting insight into how local government funding arrangements dictate policy implementation (see Stewart & Stoker, 1995). The P3 scheme was designed by central government agencies (Countryside Commission/DoE) to 'empower' local communities and was administered by local government. The local authority operated the scheme in ways that broadly fitted with their pre-existing internal work arrangements, for example by using contractors and unemployed work teams to carry out tasks. However, in many parishes, willing local 'actives' were enrolled into the scheme and occasionally, where a group of 'actives' assisted, the scheme was lent more legitimacy in terms of claims to be a community empowerment project. In many instances the only local participation was through a figurehead 'active'. This allowed the local authority to attribute P3 monies to those parishes. The objective of empowerment was largely forgotten as a viable part of the policy. The way that the scheme had been conceived meant that there was little or no opportunity for decision-making or policy formulation within the scheme - although portrayed as a 'community' scheme P3 was essentially top-down. Hill (1974) restates what public participation and 'empowerment' should involve:

"the argument for greater citizen participation is an argument about power. Power is the crucial issue; who is to decide local policy and where control is to lie, are central."

(Hill, 1974:p157)

Many local authorities, and their elected members, are not enamoured with the notion of devolving power through schemes such as the Parish Paths Partnership scheme.

They tend to view local empowerment with suspicion, believing that such policies erode their democratic representative functions. There have been other moves to devolve functions, such as planning powers, (under the 1972 Local Government Act) to the parish level. This is the case at (Liberal Democrat) Taunton Deane District Council in Somerset who are, seemingly, at the forefront of local 'empowerment' initiatives. More research will need to be carried out into such schemes. However, *prima facie*, such moves do represent opportunities for real empowerment because the responsibilities that are being devolved are matched with decision-making rights. The important caveat, seen in the P3 scheme, concerns (given the opportunity) who will really be empowered and who will not in locally based schemes (again, see Savage *et al*, 1992, on middle class formation).

Against the continua illustrated in Figure 4.2 the P3 scheme was far more visible than the participation through enrolment found with the CALG study. The P3 scheme essentially was used and promoted as a vehicle for political capital, as such it was in the government's interests to publicise and make such a policy visible. In terms of the action/process continuum the position of the P3 scheme in Gloucestershire *prima facie* tended towards 'action' however when looking more deeply such action was largely depoliticised and is part of a larger policy objective situated in a process of political restructuring.

For the purposes of further research, alternative, interesting case studies in local empowerment or 'active' citizenship may include, the *Local Agenda 21* scheme and the *Village/Parish Appraisals* suite of activities (see, Parker, J. & Selman, 1996; Moseley *et al*, 1996). The concept of habitus is revisited below, in the light of the findings of chapters Six and Seven and the analyses made generally in Part One and Part Two of the thesis.



## 8.2 Habitus, Citizenship and Countryside Policy

### *i. Habitus Revisited*

Citizenship in the countryside, investigated through the Parish Paths Partnership scheme and the operation of CALGs, is closely linked with the habitus. The CALG and P3 studies both putatively involve citizenship action and the brokerage of rights and therefore the construction of citizenship. Citizenship as discussed, is primarily concerned with attendant rights and responsibilities while the concept of habitus takes in not only prevailing rights and responsibilities but also wider issues, practices, and constraining or motivating factors, that influence the individual. However the citizenship envelope and the habitus are connected. They are involved in a reciprocal structuring relationship: both influence the lifestyle and practices of various groups in the countryside. These factors include kinship and friendship relations, power relations, custom and prevailing moral attitudes. Habitus, as conceptualised by Bourdieu, involves individual (internal) construction of the life-world whereas the citizen envelope is largely constructed by external forces.

Bourdieu's argument concerning habitus is that the lived environment is comprised of many intangible, as well as tangible, elements that affect behaviour. The informal nature of these elements does not make them any the less forceful or 'real'. In fact the hidden nature of many of these things make them more powerful.

"The habitus, a product of history, produces individual and collective practices - more history - in accordance with the scheme generated by history. It ensures the active presence of past experiences, which, deposited in each organism in the form of schemes of perception, thought and action, tend to guarantee the 'correctness' of practices and their constancy over time, more reliably than all formal rules and explicit norms."

(Bourdieu, 1994:p98)

The concept of habitus was introduced earlier in the thesis to relate the historical and social context, of the practices present in rural society, to the research. The habitus structures the expression of (*de jure* and *de facto*) rights and responsibilities to which

external influences such as policy and legislation, and their enforcement, may add modification. Bourdieu also states that the habitus:

"...tends to exclude all the 'extravagances', that is all the behaviours that would be negatively sanctioned because they are incompatible with the objective conditions."

(*Ibid*:p99)

Often relations based on informal or customary practice are called upon invoking voluntarism or the non-participation in activities that do not conform to the 'objective conditions' of the social field<sup>6</sup>. Bourdieu's commentary is especially pertinent in application to social relationships in the rural and the processes of restructuring taking place in the English countryside (see 8.3 below). When relating the habitus to rights and responsibilities in the countryside it is possible to see that rights and responsibilities, and the way that they are exercised, observed or discharged, are not simply legally embedded, they are also culturally embedded and, in line with Bourdieu's philosophical arguments, they are also institutionally or organisationally embedded (see Savage *et al*, 1992). Thus changes in responsibilities and rights affect the habitus and *vice versa* with particular rights and responsibilities being interpreted in the light of the pre-existing habitus. In addition changes in social field and as a corollary possible changes in the habitus have influence on formative rights. Bourdieu conceptualises the transfers and transmutations of powerful exchanges as being part of a 'dialectic of practice' (Bourdieu, 1977) which forms and reforms the habitus and the social field in similar fashion to the way in which citizenship interaction has been conceptualised in this thesis.

The concept of habitus can be interpreted in a number of ways. There are several ways in which habitus has had bearing on this thesis. The empirical work in this thesis has helped to illustrate how people bring their own life experiences and backgrounds to bear on issues relating to policy that affects them or their locality. This process sees

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<sup>6</sup> See Jenkins (1992) for an overview of Bourdieu's concept of 'field' in relation to habitus. Field here is mentioned to provide context against which to set habitus. Field, here, incorporates the 'objective' conditions of a locality which hold dominance.



the holder of a particular habitus negotiate and resist or accept change being brought about by processes of change which occur in the social field. In some instances the view of the individual or locality may prevail, or at least act to modify the intention demanded by the social field, and the actors seeking to impose the structure of the field into the habitus of the individuals concerned. It is variously a combination of; political, legal, moral or philosophical questions as to whether or not such actions are legitimate or justifiable. It is commonly argued that by allowing decisions concerning policy to be taken at a more local level the legitimacy of decisions affecting habitus vis-a-vis the dominant or powerful social field can be justified because the power to make decisions regarding communities is best placed in the hands of that community. There are important defects in this argument - the main problem concerns the nature, power and viewpoint of the actors in whose hands the decisions regarding 'local' decisions may fall. It is quite possible that in small (rural) communities those adopting decision-making roles may not act in the best interest of all local people.

Often it is the the habitus again as product of history, imbued in a powerful interest (perhaps of long standing residence/influence or of incomer) that colours the exercise of power and further, that the elements of 'habitus' may not necessarily be experienced directly. Aspects of historically accreted habitus may typically be absorbed through the consumption of cultural imagery (a powerful discourse in its own right), perhaps imagery that portrays rural life as consisting of particular practices and excluding others - i.e. rural as idyll.

Historical distributions of rights has inevitably left winners and losers in terms of who holds particular rights. Legal, formal arrangements may safeguard some rights-claims that co-exist or exist in a customary way, however the binary legal discourse tends to deny any conflicting rights-claims<sup>7</sup>. The interesting twist with countryside access is

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<sup>7</sup> The judiciary have been lenient in terms of simple trespass, however the law still requires a guilty judgement if a transgression occurs regardless of the penalty imposed.

that many rights-claims do not necessarily conflict with each other in a practical sense. It is the economic and the cultural symbolism of exclusivity that conflicts. It is also the case that if some rights-claims were to be allowed (or were to remain in force and this situation were to pertain) then countryside access could not be commodified. Developments regarding commodification in the countryside have been discussed in Part One of the thesis and are revisited below.

The Conservative party has consistently, in the past, avoided altering certain aspects of economic and social arrangements in the countryside, not least because changes in rural policy and governance may cost them, since there has been increasingly widespread social and economic problems in rural areas, significantly in electoral terms. Social fields and the historical habitus do not consist of a set of idyllic arrangements, set in an unchanging economic context, rather, such social structures have often been based on grace and favour, benevolence and historically as part of a social contract based on reciprocity of need (Thompson, 1993). The advent of increased local 'empowerment' through the encouragement of the liberal 'active' citizen may well summon the beginning of a growth in a form of 'new feudalism' where local power elites, be they old established landowning classes or incoming middle class 'actives', are encouraged to dictate more strongly the nature of the habitus - and to exercise responsibilities that have been apportioned, to the state or landowners - as in the case of the P3 scheme.

Elements of social change complicate the power relationships present in localities, the landowners and farmers, rather than holding power alone, are challenged by the new middle-class or the 'service class' who hold their own resources and influence. Often this service class attempts to rework the social field, often doing so in the pursuit of idyllicised rural lifestyles (part of a Baudrillardian hyper-reality). Theoretically the rôle that the active minority of this middle-class - the 'active' citizens - take on, is to motivate other local people and to lobby local and central government to take account



of their interests. The stand-off between the parties requires central government to tread carefully in the underlying philosophy of government there inevitably lies a core attitude towards rights: towards citizenship.

Successive Conservative governments over the last seventeen years have looked to mediate via the market, seeing the argumentation over rights as little more than an issue that requires commodification and contractualisation to clarify such 'rights'. This, for them, neatly assigns rights and responsibilities, entitlements and obligations, provisions and duties: the market acts as rights allocator and the state as allocator of responsibility - in conjunction with the individual. This method of regulation then allows the rule of law to dictate what is a legitimate claim-right: hence the 1994 Criminal Justice and Public Order Act. The problem with this is that the notion of the 'common good' or of the rights of those who are unable to register their opinion in the political realm, or have a legal (*de jure*) claim (or in terms of consumer-citizenship tactics) are considered illegitimate or transgressive. Thus such actions are constructed as 'deviant' (although 'active') citizenship on the continuum shown in Figure 4.2.

## *ii. The Concept of the 'Active' Citizen*

Chapters Three and Four set out the concept, development and current theoretical discussions regarding citizenship, citizenship theory and the construction of citizenship in the UK. This section reconsiders the Liberal citizenship, being ever more tightly constructed under Prime Minister John Major and Home Secretary Michael Howard, and with this the notion of 'active' citizenship.

The notion of 'active' citizenship sits in opposition to passive notions of citizenship. Conservative party 'active' citizenship rhetoric emphasises the exercise of responsibilities or duties whereas the latter, passive citizenship, has traditionally concerned the receipt of rights or entitlements. Of course neither, in practice, mean that all citizens are either active or passive. The development of citizens rights and the

crisis of the welfare state (see Hutton, 1995; Wright, 1994) has meant that the way that rights and entitlements are distributed has been undergoing an overhaul as part of economic and political restructuring being undertaken by successive Conservative governments.

However it is unclear what exactly the Conservative party mean by 'active', citizenship in anything other than vague terms of principle. Certainly, in the case of P3, the only real activity on the part of local people was to be physically 'active' in the sense of doing work on the rights of way network: there was little or no real empowerment. This form of non-political 'active' citizenship is closely linked to voluntarism and, in the sphere of land use and planning, with the rise of informal planning. Such voluntarism involves the assumption of social responsibilities on the part of the individual. Here there is some degree of contradiction: social responsibilities are often *de facto*, forming part of the habitus, often they do not rest easily with notions of individualism. Rather they echo older, traditional, paternalistic Tory values of charity and benevolence mentioned in Chapter Three.

### *iii. Voluntarism and the Rise of Informal Planning*

Chapter Seven began by discussing the way in which the countryside and various constructions of the rural have become part of the cultural milieu, embedded through dominant images of the rural (see Pratt, 1989; 1996; Milbourne, Forthcoming). Voluntarism in the countryside is undoubtedly linked to such images and it is true that there are large numbers of people who use spare time to work for organisations such as BTCV or who register a level of approbation for such dominant images (of rural idyll) through membership of bodies such as the National Trust. Such voluntary activities (or in the latter case consumer-citizenship), and the activists who participate, are being targeted by government to be used to carry out various tasks and fulfil certain roles. The P3 scheme is one such example of this.



Informal planning (see Curry, 1993;1994) has grown rapidly during the late 1980s and into the 1990s. Voluntarism and informal planning are linked - they both aim to reduce state involvement and to cut the associated costs of such involvement. Both tend to lack political accountability or involve *de jure* rights or responsibilities.

The encouragement of the voluntary principle in agriculture, has not only suited the political philosophy of the Conservative party but has coincided with the way in which landowners and farmers have historically operated on the land and in relationships conducted with people, again within the customary habitus. The widespread reliance, in government policy concerning agriculture, since World War Two, on the notion of voluntarism and informal planning, provides a convenient basis for such policies as P3 and for CALGs (as well as other informal instruments) to thrive. Historically the responsibility has been on the part of farmers and landowners to steward the land 'for the nation'. Cox, Lowe & Winter (1990) mention how such a system also allows landowners to maintain their legal rights in land and its use:

"The voluntary principle, though, is two-sided: whereas, negatively, it is an ideological defence of the farmers and landowners; positively, it is about encouraging a social ethic concerning stewardship of the countryside."

(Cox, Lowe & Winter, 1990:p176)

If this is unpacked, an important point is illustrated. Voluntarism is not regulated by the state or by restrictive legislation. Instead the individual concerned is required to exercise responsibility. This echoes the paternalism of Toryism. Claims regarding the positive benefits of such a voluntary project should be treated with caution. Firstly in terms of the farmers/landowners and secondly in terms of the 'active' citizens who are involved.

Voluntarism on the part of landowners and farmers is often sweetened by the receipt of compensation for profits foregone or for 'good' environmental practices. Increasingly the rural population as a whole is being urged towards voluntarism.

However this can create tensions between different interests or parties - one social ethic can be confronted by differing notions of 'proper' or 'good' social ethics. The P3 example showed landowners arguing with local actives and one set of 'actives' arguing with others over responsibilities and the proper way to exercise such obligations. At the local level powerful interests can dictate what rights and responsibilities will be; claimed or exercised, allowed or discharged, within the habitus.

Such changes in rural regulation are taking place within a wider backcloth of change in the countryside. These are set out below situating the discussion concerning citizenship and countryside access within the economic, social and political processes of change evident in the English countryside.

### **8.3 Restructuring Processes in the English Countryside**

Some of the changes occurring in the English countryside have been mentioned in the previous sections. Here a general overview of interlinked, economic, political and social facets of restructuring is set out. While political restructuring and the rôle of the citizen within UK politics, as it relates to countryside access, is the main area of investigation in this thesis, the restructuring of the economy and prevalent social changes have considerable influence on access issues and policies. This section draws together the themes that have been explored in the thesis and applies them to the wider issues surrounding countryside policy and planning in the 1990s. The first set of processes revisited here, concern the restructuring of the rural economy.

#### *i. The Economic: CAP and Europe*

This analysis centres on the ways in which economic restructuring is reflected in present government policy and the influence of supra-national forces, such as the European Union and the way in which landowning and farming interests have reacted to economic change. Arguably the main single economic factor behind the



restructuring of the countryside is the influence of the Common Agricultural Policy and the ways in which this policy is being redesigned (see Winter, 1996).

The rôle of land, traditionally as site of production, is changing to land as site of consumption. Land is being increasingly consumed in a variety of ways and alternative exchange values are being developed with different elements of land, and its use, being commodified. Policies involving countryside access, such as the Countryside Stewardship scheme (see Parker, 1996; Forthcoming) valorise countryside access rights and therefore certain citizenship 'rights' are under threat. Commodification also brings changes in social relations with tendencies towards the contractualisation of social relationships, or relationships that have previously been imbued with elements of trust, sets of ethical concerns or moral components<sup>8</sup>.

The commodification of goods involves the assignment and formalisation of rights, usually exchange rights. However other 'rights' and relationships, such as *de facto* access, may be lost as side-effects of these processes. The contractualisation of relationships marks the advent of a society ever more based on contractual (*gesellschaft*) relationships. Therefore the empowerment of individuals or groups is likely to depend upon the ability of citizens to win or defend rights and similarly (in the habitus envisaged and being structured by the present government), to fulfil a range of responsibilities. An important tension, as expounded several times within this thesis is where established informal rights or responsibilities <sup>9</sup> meet new, formalised entitlements or obligations <sup>10</sup>.

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<sup>8</sup> A good example here is of the relationship between doctor (through the National Health Service) and the patient (as citizen). The ongoing commercialisation of the NHS has brought forward contractual relations between the service provider (the doctor through a NHS trust) and the patient (as consumer). Consumers of health services are losing ethical/moral relationships. One example reported, in a local Gloucestershire paper in 1995, involved a Gloucestershire NHS Trust releasing a patient's, previously confidential, health records to the press because that patient had made a complaint about that NHS Trust.

<sup>9</sup> Often these are *de facto*, non-market-based or 'public'. For example permissive access to a particular field.

<sup>10</sup> These are largely *de jure* and are frequently market-based and 'private'. For example the operation of a new, private, golf course on the same field.

These processes are significant in relation to Countryside access and recreation. Changes in the regulation of rural space are linked to the economic restructuring taking place in the countryside. The processes of commodification and of contractualisation introduce marketised regulatory relationships. The consumer-citizen politicises consumption where political rights through citizenship are conjoined with market rights through the citizens' role as consumer. The methods of participation available to the consumer-citizen involve using the market to register disapproval or to enter the formal political system, where possible, as 'active' citizen. It has been argued throughout that certain measures, such as Part V of the 1994 Criminal Justice Act, narrow the protest/political participation possibilities available to citizen and is symbolic of government attitudes to particular groups and methods of registering dissatisfaction or dissent

Countryside access and rights of way are very good exemplars of the transfer and struggle over rights, both *de facto* and *de jure*, over land. The activities and processes at work are symptomatic of rural change in the 1990s. Notions of 'consuming the countryside' and the regulation of such consumption, the theoretical effects of commodification and related contractualisation, all structure the exercise of citizenship and 'rights' in the countryside. Such changes take place in a social context as examined below.

## *ii. Social Change in the Countryside*

The previous section is closely linked to social change and several factors contributing to widespread social change in the countryside were introduced there. Main social changes include a large-scale influx of middle or 'service class' incomers and associated changes in the employment and housing markets in many rural areas. The P3 scheme and CALGs were used to illustrate and to partially uncover the machinations and problems involved with empowerment, self-help and engagement



with power-holders in decision making within rural areas who are experiencing such changes.

The specific issue of access to the countryside and the social relationships being reworked in the countryside are subject to extensive academic attention (see Murdoch & Marsden, 1994 for example). The P3 study in particular illustrated the rôle of the middle class in terms of the 'active' citizen - even though attempts to engage with decisions and be truly empowered were frustrated within the scheme. There is now a struggle taking place between the powerful landed interests and the culturally, intellectually powerful middle class. In between these two powerful groups lies the local authority who is charged with most of the statutory responsibilities regarding countryside access. Both sides claim rights and in legal terms both hold some rights and responsibilities. It is the local authority which is faced with pressure from both sides and cannot fulfil all of its obligations or afford (although sometimes this is a political decision) to enforce the obligations of other parties. Of course the situation is much more complex than this. Some middle class actives may not favour the extension of access rights, rather they often regard the extension of access opportunities as damaging to the amenity of the area and as such the maintenance of the *status quo* becomes their project as well as the project of the landowning interests (see Savage *et al*, 1992, for a review of middle class factions).

The rôle of central government in rural restructuring is important. As illustrated, the policies being introduced concerning countryside access are increasingly reflecting the economic and political concerns of the Conservative administration. As more and more influential and articulate citizens move into the countryside, the more landowning/occupying interests will look towards commodification of access as the least worst alternative in order to preserve their rights. A change of central government to a Labour party administration may alter the situation of countryside

access radically. It is questionable at present whether or not a (New) Labour government would progress such commodification.

Further research to establish the views of incomers to the countryside in relation to countryside access and the idea of a 'right to roam' being introduced by the Labour party would be interesting. Also, further investigation of groups such as the Cotswolds Wardens would be interesting to see how a culturally elite group resists change and to what degree do they protect their own interests (rights) over the interests (rights) of the public and how this protects the interests of powerful individuals and groups.

### *iii. The Political: rolling back the state?*

It has been argued here that a politically inspired process of restructuring, as well as an economic one, has been set in train by the radicalism of the 'New Right' since the election of the Conservatives in 1979, under Margaret Thatcher and subsequently by John Major. Smith (1989:p148) refers to this:

"The late twentieth century *may* be characterised by the reorganisation of capital and transmutation of social meaning, but these processes are entwined in a politically inspired restructuring of human rights." (Original emphasis.)

Economic and political restructuring under successive conservative governments have been closely linked. Harvey (1993:p115) raises the issue of political restructuring and rights, one of the focal points of this thesis:

"Empowerment is then conceived of (and as John Major now avows through his active use of the term) as leaving as much money as possible in the wage earners' as well as the capitalists' pockets; freedom and justice are attached to maximising market choice; and rights are interpreted as a matter of consumer sovereignty free of any government dictates. Perhaps the most important thing missing from the postmodern debate these last two decades is the way in which this right wing and reactionary definition of market justice and rights has played such a revolutionary role..."

The effect of this political project, on rural people and policy in terms of rights, has formed one of the central focuses of attention in this thesis. At the heart of the policies underlying successive Conservative governments has been the desire to curb the rôle



of the state, and whilst there is some debate about the actual success of such a stated aim<sup>11</sup>, it is clear that in almost all government policy over the last seventeen years, such an objective has been prominent. Since 1979 many state functions, powers or responsibilities have been placed into the private sector or increasingly within the aegis of Quangos. In 1985, this core aim was reaffirmed with the publication of *Lifting the Burden*, the Conservative party set the agenda for domestic policy into the 1990s.

Importantly, part of the political project of the Conservative party over the last seventeen years has been to redistribute governmental functions. However the power of government has largely been centralised so that the political party in power has fuller control over local government.

Local government has been under particular pressure from Conservative central governments in terms of altering the orientation of local government to become service oriented and to treat citizens as consumers or customers (see Burns *et al*, 1994; Ridley, 1988; Stewart & Stoker, 1995; Gyford, 1991). These changes have been undertaken in order to make local government more accountable to the people they serve. However the rights of citizenship and of consumer are very different. Local authorities are legitimated through the support of the citizenry. Therefore claims concerning improved local authority accountability in the 1980s and 1990s is still contested. Both the P3 scheme and CALGs were administered on the ground by second tier local government authorities. In the instance of P3, the policy was handed down in prefabricated form for local government to implement.

The devolvment of local government powers has been on the political agenda for some time. One of the main criticisms of devolvment, and as a corollary local

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<sup>11</sup> Instead many functions of government have been passed onto Quangos. Thus the notion of 'governance' has developed in recognition that a variety of institutions, not only central government departments and local authorities, are involved in the governing process.

empowerment, concerns decision-makers being too close to the people who are affected by decisions: literally being too parochial. A second set of criticisms concern the identity of the 'empowered' at the local level. Many calls for devolvement of powers and 'bottom-up' approaches in policy making are uncritical about the possible undemocratic nature of such arrangements or the class orientation of the 'active' citizens who may appropriate positions of responsibility/power at the local level. This is motivated by a desire to protect their own interests within the habitus to the detriment of other groups in the countryside, whose rights claims are less power laden.

Institutional change has implications for countryside access. The way in which government agencies are organised and the basis upon which decisions are made affect access rights. Rights of way and *de facto* rights are both subject to manipulation by state and private interests. The process of argumentation over rights is altered by the relative power of different groups. In the same way the manner in which different groups view non-legal responsibilities is also subject to change.

The developments in local empowerment require research to investigate who appropriates power and whether such a system is more accountable or really more democratic. The instance of Taunton Deane District Council devolving planning powers down to the parish level would provide a good case study in local empowerment initiatives because local people are vested with decision-making powers.

#### **8.4 Conclusion: Countryside Access Policy in a Period of Change**

This discussion chapter has brought together the different ideas and findings from the preceding chapters to look at various contexts in which countryside access provision, in England, operates. Some of the wider issues and processes at work in the



countryside have also been drawn upon to further contextualise the discussion of countryside access and rights in the countryside.

The response of administrators, interests groups and elements of the public, towards countryside access, show how attempts to restructure the countryside have fared in policy terms. Countryside access is becoming increasingly politicised. Battles are now being fought at the local level by intermediate power holders, those whose power is not based in land, concerning the appropriation of property rights. The 'actives' involved with such struggles in the countryside rely upon in their intellectual and cultural capital (see Murdoch & Marsden, 1994). They often operate by engaging and challenging the decision making process through action groups and attempt to engage with decision-makers and power-holders through groups such as CALGs (and are thus engaging with holders of organisational or institutional assets). This process is double-edged. Some rights and interests already held by those groups are defended rigorously and other 'rights' are claimed as legitimate.

The rôle of active citizens, within the government's citizenship project, play an important part in wider areas of governance and policy. The 'active' citizen is encouraged to meet a range of responsibilities. The citizen or individual here, is conceived of as an agent of governance. However, missing from the Conservative party citizenship construction is policy regarding the legitimacy of claiming rights, other than pre-existing *de jure* rights<sup>12</sup> and where responsibilities lie for actions within government and other (powerful) private interests. The centralisation of government power indicates the reliance on representative democracy or 'elective dictatorship' providing an adequate framework of rights for all citizens of the UK. The introductory quote from Hannah Arendt (1973), concerning property and rights, is pertinent. It is how property rights, and by association citizenship rights, are

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<sup>12</sup> The Citizens' Charter is the main policy vehicle. It treats the citizen here only as consumer so rights claims cannot be considered within its framework.

distributed that dictates a whole range of cultural, social, political and, of course, economic factors. The distribution of rights and responsibilities is a key factor in rural restructuring.

The postscript below reiterates the way in which the objectives of the thesis have been realised and restates the areas where it is felt that further research is warranted.



## Postscript

The final chapter discussed the relationship of the study to wider processes of change and set the theoretical concepts and arguments of Part One into the context of the specific findings of the research set out earlier in Part Two - thus concluding the thesis. Here the objectives of the thesis are reflected upon, considering possible future implications that European, UK and local politics may have on the English countryside, the people who live there and the institutions that structure the habitus as set out, and how Bourdieu's concept of *social field* may prove to be a useful theoretical tool for evaluating countryside policy, citizenship construction and politics. Further research in the area of citizenship in the countryside, that may prove insightful (as mentioned in the last chapter), are set out.

### *i. Objectives*

The fulfilment of the key objectives of the thesis are briefly reviewed here. The objectives set out in the introduction concerned, firstly the historical changes in rights concerning countryside access. This objective was met through the discussion contained in Chapter One and the examination of access policy set out in the second chapter. Secondly, the review and application of theoretical constructions of citizenship to rural land and access were achieved largely in Chapter Three and how those theoretical constructs could be applied to contemporary actions was begun in Chapter Four. The empirical investigation of two contemporary policy strands for access in the countryside, involving the evaluation of citizen participation and consequent rights distributions for countryside access, was carried out in some detail, in chapters Six and Seven. Then Chapter Eight related the empirically observed citizen participation in countryside access to earlier theoretical constructs. The discussion Chapter also concluded both about contemporary citizen action in relation to countryside access and, the need to critique theoretical constructs that seek to explain such actions. Additionally comments were made regarding the place of

citizenship construction within wider debates current in rural studies and restructuring processes taking place in the rural.

In terms of the fuller understanding of both quantitative and qualitative methods of enquiry through practical application and this researcher's competency in evaluation, synthesis and interpretation of empirical data, mentioned as process objectives, it is felt that - on a personal level- and through the written product of this thesis that these have also been met but that there is much more to learn and experience. In a sense the work contained in this thesis is a beginning rather than an end.

## *ii. Further Research*

There is definitely a neglect of how policies affect the cultural and customary habitus. There exists scope to apply citizenship theory to other policies or phenomena, researching other instances where citizenship envelopes are affected by policy/legislation and where other examples of 'active' citizenship may be found.

Apart from the examples investigated here, and away from countryside access policy, there are many other instances of 'active' citizenship<sup>1</sup> and almost certainly there are examples of different degrees of citizen 'empowerment' where citizens have succeeded in engaging with power-holders and become powerful themselves or conversely, have found that the institutions and system supporting representative democracy tends to discourage citizen empowerment. For example in the area of Parish Appraisals Moseley *et al* (1996) acknowledge that: "The key seemed to be the existence within the parish, of a few dynamic and motivated individuals who refused to take 'no' for an answer" (Moseley *et al*, 1996:p25). This indicates that the agency of such people should be investigated more fully with account taken of their motivations and the micro-political impacts and agendas which they bring with them into the

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<sup>1</sup> Perhaps most interestingly in the spheres of law and order; from the rise of vigilantes, to large increases in the numbers of Special Constables being recruited.



policy-making process. In terms of rights involving countryside access there is an important research task to be carried out that has not been within the ambit of this dissertation. To survey the effect, quantitatively, of the loss of informal 'rights' and how those rights may be re-appropriated by landowners in order to maintain or improve the exchange value of the land.

Both tranches of the research were limited by both time and money and further work might usefully be carried out. The research undertaken explored two examples of 'active' citizenship. In the instance of CALGs the activity was based on the development of informal arrangements to liaise and involvement in the process of influencing policy regarding countryside access within the locale of the CALG. Using this mechanism the barriers and problems inherent in such initiatives could be set out.

In terms of the P3 scheme it would be of interest to conduct similar research nationally - to see how it has effected the people involved and what the effect has been on the relations between local landowners and local people. It is quite possible that the study of Gloucestershire has produced findings specific to the particular institutions and individuals involved in countryside access in that county.

In relation to CALGs: more research could usefully focus on the background of the participants and the views of elected members of the local authorities who are attempting to move towards a more participatory system of local government. Within the CALGs studied a local culture grows up around policy arrangements that involve elements of informality or voluntarism. The relative utility of quantitative and qualitative research methods should both be acknowledged and made use of in investigated policy such as the P3 scheme - one of the main problems with the PACEC report (1995), presented as definitive to the Countryside Commission and to the Department of the Environment, was that there was no feel for the people involved and little on how things were done in the areas under study. Therefore in

both parts of the empirical work there is scope for extended research in terms of *geographical spread* and in terms of the *orientation* - studying the policy and the people involved. Crucially there is much more scope in using and extending the theoretical base that has been applied in the thesis, particularly to take in *social field* (in terms of the way in which field interplays with citizenship construction) and the dialectical relationship that this has with the concept of habitus.



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# Appendices

Appendix 1: CALG Questionnaire

*Access Liaison Group (Chair) Questionnaire*

(This research is being undertaken by Gavin Parker of the Countryside & Community Research Unit, Cheltenham. The questionnaire has been designed so that most of the questions can be completed by ticking boxes or answering briefly. There is space for the respondent to comment more fully on the operation of the Access Liaison Group at the end of the questionnaire.)

*Please return to:*

*Gavin Parker, Countryside & Community Research Unit, Cheltenham & Gloucester C.H.E., Francis Close Hall, Swindon Road, Cheltenham, Gloucs., GL50 4AZ.*

Section One: About you.

- Q1. Full Name .....
- Q2. Occupation .....
- Q3. Name of the Liaison Group .....  
.....
- Q4. Name of the body/organisation for whom you represent within the Liaison Group .....  
.....
- Q5. For how long have you chaired the Group ?  
.....
- Q6. For how long have you served on the Group altogether ?  
.....



Section Two: About the Group and it's management.

Q7. Title & Geographical area of the Access Liaison Group

.....

.....

Q8. Are the groups' meetings held in public ?      YES / NO  
(please circle as appropriate)

Q9. What organisations etc. are represented on the Group ?

	<i>represented</i>	<i>by how many</i>
County Council.....	<input type="checkbox"/>	.....
District Council(s).....	<input type="checkbox"/>	.....
Countryside Commission.....	<input type="checkbox"/>	.....
Ramblers Association.....	<input type="checkbox"/>	.....
Open Spaces Society.....	<input type="checkbox"/>	.....
Country Landowners Association.....	<input type="checkbox"/>	.....
National Farmers Union.....	<input type="checkbox"/>	.....
Rural Community Council.....	<input type="checkbox"/>	.....
British Horse Society.....	<input type="checkbox"/>	.....
Youth Hostels Association.....	<input type="checkbox"/>	.....
Trail Riders Federation/ LARA.....	<input type="checkbox"/>	.....
Cyclists Touring Club.....	<input type="checkbox"/>	.....
Sports Council.....	<input type="checkbox"/>	.....
CPRE.....	<input type="checkbox"/>	.....
Others (please specify).....	<input type="checkbox"/>	.....
.....		.....
.....		.....
.....		.....
.....		.....
.....		.....

Q10. Has the group stated aims or objectives ?      YES / NO

If so, are they formally set out or published anywhere? .....

.....

.....

If not, what are they ? .....  
.....  
.....

Q11. Has the Group always taken it's present form?  
YES / NO / DON'T KNOW

Q12. If not, how has it developed over time ?  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

- Q13. How are issues discussed by the Group raised or brought to the Group's attention?
- Local Authority..... ☐
  - Individual Group members..... ☐
  - Public..... ☐
  - Other(specify)..... ☐
- .....

Q14. Which organisation convened/es the Group ?  
.....  
.....

Q15. To whom does the Group make recommendations to ?  
.....  
.....  
.....



Q16. What relationship does the Group hold with the organisation identified in Q14 & Q15? Does the Group; (please tick appropriate box/es)

	Q14	Q15
Hold any executive power ?.....	<input type="checkbox"/>	<input type="checkbox"/>
Operate in an advisory capacity ?.....	<input type="checkbox"/>	<input type="checkbox"/>
Both of the above ?.....	<input type="checkbox"/>	<input type="checkbox"/>
Neither (please explain) ?.....	<input type="checkbox"/>	<input type="checkbox"/>
.....		
.....		
.....		
.....		
.....		
.....		

Q17. Are you aware of any other advisory bodies in your Group's area that are involved with access issues ?  
YES / NO / DON'T KNOW

Q18. If YES in Q17 Please list them;

1.....

2.....

3.....

4.....

5.....

Q19. What relationship exists between the groups identified in Q18 above and your group ?

	1	2	3	4	5
Formal ties (i.e. meetings, liaison, document exchange).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Informal links (i.e. dialogue, lobbying).....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No communication.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q20. Please tell us what function, the Groups in Q18, fulfil.

1.....

.....

2.....

.....

3.....

.....

4.....

.....

5.....

.....

Q21. How would you describe your Group's role in relation to;

(tick as applicable)	<i>reactive</i>	<i>proactive</i>	<i>combination</i>	<i>no interest</i>
1. Local access issues,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Planning issues,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Formal (legal) access,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Informal(de facto) access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Individual disputes,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Definitive map issues,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Land Management issues,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Others (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Q22. What roles, acknowledged in Q21 are main functions for the Group ?  
(please place them in rank order)

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

Q23. What is the Goup's role in helping to form/inform the policies of other bodies?  
.....  
.....  
.....

Q24. Do you think that the group is effective against it's stated aims ?  
YES / PARTIALLY / NOT AT ALL.

Q25. Please comment further on your response to Q24 in terms of successes and difficulties.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

Section Three: Access policy and the Group.

Q26. What subjects are discussed mainly by the group?

1. Public R.O.W.....	<input type="checkbox"/>
2. Access payment schemes.....	<input type="checkbox"/>
3. Formal (legal) access.....	<input type="checkbox"/>
4. Informal ( <i>de facto</i> ) access.....	<input type="checkbox"/>
5. Methods of funding access.....	<input type="checkbox"/>
6. Property rights.....	<input type="checkbox"/>
7. Individual disputes.....	<input type="checkbox"/>
8. Structure of planning system.....	<input type="checkbox"/>
9. National policy statements.....	<input type="checkbox"/>
10. Local policy statements.....	<input type="checkbox"/>
11. Others (please specify).....	<input type="checkbox"/>
.....	
.....	
.....	

Now please rank them

1st.....
2nd.....
3rd.....
4th.....
5th.....

Q27. How does the public benefit from the Group?

1. Problem-solving forum.....	<input type="checkbox"/>
2. Airing of opposing viewpoints.....	<input type="checkbox"/>
3. Saves public money.....	<input type="checkbox"/>
4. Secures additional funding.....	<input type="checkbox"/>
5. Improves relations between various parties.....	<input type="checkbox"/>
6. Achieves access provision not otherwise possible.....	<input type="checkbox"/>
7. Secures practical action.....	<input type="checkbox"/>
8. Focus for informing interested groups.....	<input type="checkbox"/>
9. Other (please specify).....	<input type="checkbox"/>
.....	
.....	



Now please rank them

- 1st.....
- 2nd.....
- 3rd.....
- 4th.....

Q28. How does the Group benefit Landowners / Farmers?

- 1. Problem-solving forum..... ☐
- 2. Airing of opposing viewpoints..... ☐
- 3. Limits onerous access..... ☐
- 4. Improves relations between various interested group..... ☐
- 5. Achieves access provision not otherwise possible..... ☐
- 6. Informs of rights and responsibilities..... ☐
- 7. Saves money/costs..... ☐
- 8. Secures practical action..... ☐
- 9. Others (please specify)..... ☐
- .....
- .....

Now please rank them

- 1st.....
- 2nd.....
- 3rd.....
- 4th.....

Q29. What do you feel are the main issues concerning countryside access Locally and Nationally ?

	Nationally	Locally
Footpaths/ROW.....	<input type="checkbox"/>	<input type="checkbox"/>
Designated access areas(Country Parks etc).....	<input type="checkbox"/>	<input type="checkbox"/>
Urban open space.....	<input type="checkbox"/>	<input type="checkbox"/>
Access to all open land.....	<input type="checkbox"/>	<input type="checkbox"/>
Charging for countryside access.....	<input type="checkbox"/>	<input type="checkbox"/>
Overuse of countryside.....	<input type="checkbox"/>	<input type="checkbox"/>
Others (please Specify).....	<input type="checkbox"/>	<input type="checkbox"/>
.....	<input type="checkbox"/>	<input type="checkbox"/>
.....	<input type="checkbox"/>	<input type="checkbox"/>

Now please rank them

<i>Nationally</i>	<i>Locally</i>
1st.....	1st.....
2nd.....	2nd.....
3rd.....	3rd.....
4th.....	4th.....

Q30. How are these issues addressed by the Group ?

1. Policy advice to County/District/National Park.....	<input type="checkbox"/>
2. Writing to politicians.....	<input type="checkbox"/>
3. Informal solutions between groups.....	<input type="checkbox"/>
4. Direct action.....	<input type="checkbox"/>
4. Other (please specify).....	<input type="checkbox"/>
.....	
.....	
.....	
.....	

Q31. What are the most frequent problems concerning existing countryside access that your Group gets involved with ?

1. Trespass issues.....	<input type="checkbox"/>
2. Definitive map issues.....	<input type="checkbox"/>
3. Individual disputes.....	<input type="checkbox"/>
4. Condition of R.O.W.....	<input type="checkbox"/>
5. Creation of new access routes or areas.....	<input type="checkbox"/>
6. National access policy consultations.....	<input type="checkbox"/>
7. Administration of existing access provision.....	<input type="checkbox"/>
8. Public Path Orders.....	<input type="checkbox"/>
9. Others (please specify).....	<input type="checkbox"/>
.....	
.....	
.....	
.....	



Now please rank them

- 1st.....
- 2nd.....
- 3rd.....
- 4th.....

Section Four: Policy changes.

Q32. Given the experience of the Group. What do you think are the most important general issues affecting access to the countryside?

- 1. Funding..... ☐
- 2. Information / Education..... ☐
- 3. Getting access to the countryside..... ☐
- 4. Landowners objections to access..... ☐
- 5. Present legislative arrangements..... ☐
- 6. Present policy locally..... ☐
- 7. Present policy nationally..... ☐
- 7. Conflict with conservation..... ☐
- 8. Other (please specify)..... ☐
- .....
- .....
- .....

Now please rank your answers to Q32 in order of importance

- 1st.....
- 2nd.....
- 3rd.....
- 4th.....

Q33. What changes would you like to see in access policy and legislation?

- 1. General right of access to all land..... ☐
- 2. Right of access to all Open land..... ☐
- 3. Stronger enforcement of R.O.W. legislation..... ☐
- 4. Tightening of trespass laws..... ☐
- 5. More urban fringe access..... ☐
- (P.T.O.)

- 6. Enhanced funding..... ☐
- 7. Land purchase schemes..... ☐
- 8. More access payment schemes..... ☐
- 9. Others (please specify)..... ☐
- .....
- .....
- .....
- .....

Q34. Of those identified in Q33, what changes would most assist the work of the Group? .....

.....

.....

.....

.....

.....

.....

- Q35. Is your Group familiar with any of the following national policy documents ?
- 1. C'side Commission, *Policies for enjoying the countryside*..... ☐
  - 2. C'side Commission, *Managing rights of way an agenda for action*..... ☐
  - 3. C'side Commission, *Where you can go, what you can do*..... ☐
  - 4. C'side Commission, *Rights of way: an action guide*..... ☐
  - 5. C'side Commission/NFU/CLA, *Managing public access*..... ☐
  - 6. C'side Commission, *Access payment schemes*..... ☐
  - 7. Country Landowners Association, *A better way forward*..... ☐
  - 8. Ramblers' Association, *Harmony in the Hills*..... ☐
  - 9. Sports Council, *A Countryside for Sport*..... ☐
  - 8. Other relevant/similar policy documents (please specify)..... ☐
  - .....
  - .....
  - .....
  - .....



Now please rank them in order of importance for the Group's work

- 1st .....
- 2nd.....
- 3rd.....
- 4th.....

Q36. Does your Group know about the recreation and access elements of any of the following local policy documents ?

- 1. Local Plan..... ☐
- 2. County structure plan..... ☐
- 3. Any countryside or c'side recreation. strategies within the county..... ☐
- 4. Relevant regional sport and recreation strategy..... ☐
- 5. National park plan (where applicable)..... ☐
- 6. Any local management plans..... ☐
- 7. Other (please specify) ..... ☐
- .....
- .....
- .....
- .....
- .....

Now please rank them in order of importance to the Group

- 1st.....
- 2nd.....
- 3rd.....
- 4th.....

Q37. Is the group aware of any of the current access policies below ?

- 1. Countryside Stewardship Scheme..... ☐
- 2. Parish Paths..... ☐
- 3. Environmentally sensitive areas..... ☐
- 4. Community Forests..... ☐
- 5. National Forests..... ☐
- 6. Countryside Premium scheme..... ☐
- (P.T.O.)

- 7. Farm Woodland Scheme..... ☐
- 8. Country Parks..... ☐
- 9. Pocket Parks..... ☐
- 10. Others (please specify)..... ☐

.....

.....

.....

.....

.....

**Please rank them in order of importance for the Group...**

- 1st.....
- 2nd.....
- 3rd.....
- 4th.....

**Section Four: Access Payment Schemes.**

Q38. Do you know what Access Payment Schemes entail ?

YES / NO / UNSURE.

Q39. What is your understanding of Access Payment Schemes ?.....

.....

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Q40. Which of the Countryside Access Payment Schemes are you aware of ?

- 1. Countryside Stewardship Scheme..... ☐
- 2. Countryside Premium Scheme..... ☐
- 3. Environmentally Sensitive Areas (access element)..... ☐
- 4. Set-aside Scheme..... ☐
- 5. Woodland Grant Scheme..... ☐
- 6. Others (please specify)..... ☐

.....

.....

.....

Q41. Are you aware of the parcels of land in your area under which public access is available under any of these schemes ?

YES / NO / DON'T KNOW

Q42. If so where are they and how did you find out about it/them?

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Q43. Has your group ever dealt with matters concerning land under any of the above Schemes?

YES / NO / DON'T KNOW

Q44. Briefly describe the Group's work in this area.....

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.....

Q45. Do you think that such Payment Schemes are of benefit to access provision in your Group's area ?

YES / NO / DON'T KNOW

Q46. Please comment on your answer to Q45 .....

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Q47. Do you think that Access Payment Schemes are detrimental to local access provision ?

YES / NO / DON'T KNOW

Q48. Please comment on your answer to Q47 .....

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**Section Five: General remarks.**

Q49. Are there any other issues or comments that you would like to make concerning your Group, questions within this document, or any other access issues generally?

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Q50. Would you be willing to be interviewed on the above issues at a later date ?  
YES / NO / DON'T KNOW.

Thank you for your time and co-operation.  
When completed please send back to the address printed at the start of the  
Questionnaire.

## Appendix 2: Example Aims & Objectives, CALGs

Included are example sets of aims and objectives from Access Liaison Groups selected from across the country. These represent a range of the ALGs aims or terms of reference. The respective years in which those terms were agreed are in brackets.

### 1. *East Hampshire Rights of Way Liaison Group:*

"1. to support and encourage harmonious relationships between users, owners and managers of the public paths in East Hampshire and to ensure the most effective and appropriate management of the network;  
2. to identify potential problems and areas of conflict and to work together to try to resolve them" (1993).

### 2. *Doncaster Rights of Way Forum:*

"1. to provide a forum for matters of principle relating to public rights of way in Doncaster;  
2. to provide a means of dialogue and exchange of opinions between land occupiers, users and the local authority;  
3. a means of exchanging information on general issues affecting public rights of way ;  
4. to enable the local authority to show the initiatives and progress that has been made in all matters relating to public rights of way;  
5. to identify problems that are occurring in relation to both occupiers and users of public rights of way" (1989).

### 3. *Somerset Countryside Recreation and Access Group:*

"1. to assess the problems and opportunities with respect to recreation and access;  
2. to prepare a strategy to resolve problems and develop opportunities for the benefit of users, landowners, local authorities and statutory bodies" (1993).

### 4. *Warwickshire Rights of Way Forum:*

"a. to increase the understanding of rights of way issues amongst its members;  
b. to promote an awareness of the needs and aspirations of its members;  
c. to open up opportunities for discussion and resolution of particularly intransigent problems;



d. to contribute to the monitoring and review of the County Council's Rights of Way strategy" (1991).

*5. Wiltshire Public Rights of Way Liaison Group:*

"1. to provide a forum for the interchange of views on matters affecting the public rights of way network in the County;  
2. to promote mutual understanding between owners/occupiers and representatives of user groups and interested organisations;  
3. in general, not to deal with individual cases, i.e. not to usurp the Rights of Way working party" (1989).

*6. Nottinghamshire Rights of Way Liaison Group:*

"3. the function of the group will be to discuss matters of mutual interest and concern relating to public rights of way and access to the countryside" (taken from the Constitution document 1991).

*7. Cumbria Rights of Way Liaison Group:*

"1. to provide a forum for the interchange of views on matters affecting the public rights of way network;  
2. to promote mutual understanding between owners/occupiers' representatives, user groups and the statutory authority,  
3. in general NOT to deal with individual cases i.e. not to usurp the functions of the public rights of way officers" (1987).

*8. Leicestershire Rights of Way Advisory Group:*

"i. to act as an advisory group to Leicestershire County Council regarding the Rights of way network;  
ii. to comment on matters of policy specifically referred to the group;  
iii. to promote the responsible usage of rights of way by publishing leaflets and codes of practise;  
iv. to act as a forum for discussing problems which might arise, and advising the County Council accordingly" (1987).

### Appendix 3: Case Study CALGs

Woodspring Countryside Recreation Access Forum - a group operated through Woodspring District Council, Avon.

Hertfordshire Rights of Way Liaison Group - a group that began in 1985 and which disbanded in 1991.

Gloucestershire Rights of Way Liaison Group - a County-wide liaison group.

East Hampshire Rights of Way Liaison Group - two parallel sub-district liaison groups operated by East Hampshire District Council.

Doncaster Rights of Way Forum- a group operated by a metropolitan borough, identified by IPROWO as a good practice group.

Oxfordshire Rights of Way Monitoring Group - a county access monitoring group identified by the Countryside Commission as being an example of good practice.

Derbyshire Countryside Recreation and Access Group - identified by the CLA as a good practice group.



Parish Paths Partnership Questionnaire.

(All information contributed will be treated in confidence).

This research is being carried out by: Gavin Parker, Countryside & Community Research Unit, Cheltenham & Gloucester College of Higher Education, Francis Close Hall, Swindon Road, Cheltenham, Glos., GL50 4AZ. This research aims to find out about the impact, on the individual and the community, of the Countryside Commission's *Parish Paths Partnership* scheme (P3) and who participates in the scheme. Opportunity for extended comment is included towards the end of the survey. If you have any queries regarding the questionnaire or the research generally please telephone: 01242-532943.

Preliminary

- 1. Parish name (and postcode).....
- 2. Your Date of Birth.....
- 3. Sex..... Male / Female.

Section One: about the *Parish Paths Partnership scheme* and you

- 4. Are you a Parish Councillor? (please circle as appropriate).....YES / NO / FORMERLY.
- 5. Do you hold any other civic or honorary post relevant to local government? Please specify.....
- 6. Are you a member of any amenity societies or other body with an interest in countryside affairs? Please specify e.g. Ramblers Assoc., N.F.U., B.T.C.V. ....
- 7. Is Parish Paths Partnership the first 'community' activity that you have been directly involved with in the parish? .....YES / NO
- 8. Please could you indicate previous or other community or parish activities that you have been involved with, if any?.....
- 9. Were you involved with rights of way work before the Scheme started? .....YES / NO
- 10. If yes, please explain what you did.....
- 11. For how long have you been involved (in months)? .....

12. What has been your rôle? (please tick as appropriate).....

- a. Administration..... ☐
- b. Path Clearance..... ☐
- c. Network surveys..... ☐
- d. Stile/Gate erection..... ☐
- e. Other(s) (please specify)..... ☐

13. Will you continue to assist in rights of way locally after the Scheme's funding ends? ...

- a. Same level..... ☐
- b. More ..... ☐
- c. Less..... ☐
- d. Stop altogether..... ☐
- e. Don't know..... ☐

14. Depending on your previous answer, in what capacity ?...

- a. Administration..... ☐
- b. Path Clearance..... ☐
- c. Network surveys..... ☐
- d. Stile/Gate erection..... ☐
- e. Other(s) (please specify)..... ☐

Section Two: the Scheme and the P3 'team'.

15. When did Parish Paths begin in your Parish? ..... '92/93 '93/94 '94/95 '95/96 Don't know.

16. What approximate length, in miles, of rights of way are there in your parish?

- a. 0-5m..... ☐
- b. 6-10m..... ☐
- c. 11-15m..... ☐
- d. 16-20m..... ☐
- e. more than 20m..... ☐ Please estimate length ..... miles.

17. How many people were involved in rights of way work before the P3 scheme?...

- a. 1-5..... ☐
- b. 6-10..... ☐
- c. 11-15..... ☐
- d. 16-20..... ☐
- e. more than 20..... ☐ Please estimate number .....

18. How many people have been involved with the P3 Scheme in your parish?...

- a. 1-5..... ☐
- b. 6-10..... ☐
- c. 11-15..... ☐
- d. 16-20..... ☐
- e. more than 20..... ☐ Please estimate number .....



19. How many people are involved with different jobs in P3?...

Number

- a. Administration.....
- b. Path Clearance.....
- c. Network surveys.....
- d. Stile/Gate erection.....
- e. Other(s) (please specify).....

20. Are any of those?... If so, how many?

- a. Farmers/Landowners.....
- b. Parish Councillors.....
- c. Other Parishioners.....
- d. Outside People.....
- e. Others (please specify).....

21. Before and after the P3 Scheme began what works were undertaken on rights of way in the Parish?

- |                                   | Before                   | After                         | % Change              |
|-----------------------------------|--------------------------|-------------------------------|-----------------------|
| a. Administration.....            | <input type="checkbox"/> | <input type="checkbox"/> -/ + | % change in activity. |
| b. Path Clearance.....            | <input type="checkbox"/> | <input type="checkbox"/> -/ + | % change in activity. |
| c. Network surveys.....           | <input type="checkbox"/> | <input type="checkbox"/> -/ + | % change in activity. |
| d. Stile/Gate erection.....       | <input type="checkbox"/> | <input type="checkbox"/> -/ + | % change in activity. |
| e. Other(s) (please specify)..... | <input type="checkbox"/> | <input type="checkbox"/> -/ + | % change in activity. |

22. Has any P3 work been carried out by contractors or other paid workers?

YES / NO / DON'T KNOW. If YES what % of total work? %

23. What, if anything, has been done to publicise the local path network?

- a. Nothing.....
- b. signposting.....
- c. leaflets.....
- d. adverts.....
- e. map board.....
- f. Guided walk.....
- g. Other.....

(please specify) .....

Section Three: About Parish Paths and the community/parish people.

24. What is the approximate population of your Parish?

- a. 0-100.....
- b. 101-200.....
- c. 201-300.....
- d. 301-400.....
- e. 401-500.....
- f. larger..... Please estimate size.....

25. Have you met any people who live in your parish, that you didn't previously know, as a result of your involvement in the Parish Paths Partnership? ..... YES / NO

26. Please explain .....  
.....  
.....

27. Have relationships, between landowners/Farmers and other local people, improved via the P3 scheme?

- a. Improved.....☐
- b. slight improvement.....☐
- c. no change.....☐
- d. slightly worse.....☐
- e. worsened.....☐
- f. don't know .....☐

28. Please explain.....  
.....  
.....

29. Have relationships, between the local authority and other local people involved with rights of way, improved via the P3 scheme?

- a. Improved.....☐
- b. slight improvement.....☐
- c. no change.....☐
- d. slightly worse.....☐
- e. worsened.....☐
- f. don't know .....☐

30. Please explain.....  
.....  
.....  
.....

31. How would you have classified the 'sense of community' in your parish before, and after, the P3 scheme?...

	<u>Before</u>	<u>Afterwards</u>
a. Non-existent.....	<input type="checkbox"/> ...	<input type="checkbox"/>
b. Weak.....	<input type="checkbox"/> ...	<input type="checkbox"/>
c. Fairly weak.....	<input type="checkbox"/> ...	<input type="checkbox"/>
d. Middling.....	<input type="checkbox"/> ...	<input type="checkbox"/>
e. Fairly strong.....	<input type="checkbox"/> ...	<input type="checkbox"/>
f. Strong .....	<input type="checkbox"/> ...	<input type="checkbox"/>

32. Please explain (adding any exceptional points).....  
.....  
.....



33. Could you please set out briefly how your parish did/does operate the P3 scheme, in terms of the people, plans, work & money? (Please attach notes of meetings or other written material if you have them to hand).....  
.....  
.....  
.....

34. Do you progress your P3 work through liaison meetings with other parties (e.g. landowners, farmers) involved with interests in rights of way?        YES / NO

35. Please explain your arrangements to liaise with other parties (or how you inform or enlist the support of landowners for example).....  
.....  
.....

36.Has the 'P3 experience' altered your view of the community in which you live?...  
YES / NO / DON'T KNOW

37. Please explain .....  
.....  
.....

38. 'Active citizenship' has been a term in common usage recently in relation to the individual's participation in society. Is it more concerned with physical or political, individual or community 'activity' - what is your understanding of the term 'active citizen'? .....  
.....  
.....  
.....

39. Do you think that schemes such as P3 are a legitimate part of the responsibility of the 'active' citizen?  
YES / NO / RESERVATIONS / DON'T KNOW

40. Have you any other comments concerning the P3 scheme that you would like to make? Should it be changed in any way - what has your experience been?.....  
.....  
.....  
.....

Section Four: Household information

41. What is your present employment situation?...

- a. Full-time employed..... ☐
  - b. Part-time employed..... ☐
  - c. House Partner..... ☐
  - d. Retired ..... ☐
  - e. Unemployed ..... ☐
  - f. Other (please explain)..... ☐
- .....

42. What is your occupation? (or previous occupation if retired/unemployed) .....  
.....

43. For how long have you lived in the parish? (in years).....

44. Where did you live before? (County, Town, Parish).....

45. How many people live in your household?...

- a. Adults..... ☐
- b. Children ..... ☐

46. Please could you indicate which annual income band your household falls into?

- a. £0 - 5,000 ..... ☐
- b. £5,000 - 10,000 ..... ☐
- c. £10,000 - 20,000 ..... ☐
- d. £20,000 - 30,000 ..... ☐
- e. £40,000 - 50,000 ..... ☐
- f. more than £50,000 ..... ☐

47. Do you own a car in your household?

- a. No Car..... ☐
- b. One ..... ☐
- c. Two..... ☐
- d. Three or more..... ☐

48. Do you own or rent your property(ies)?

- a. Owner occupied..... ☐
- b. Private rented ..... ☐
- c. Rented from local authority..... ☐
- d. Others (please explain)..... ☐ ..(e.g. farm tenancy).....

Deadline: Please return, in the freepost envelope provided, by 15th December 1995.  
Thank you for your help.



## Appendix 5: P3 Survey Advertisement

significant structures. It needs to be fully known that the erection of a stile across paths requires the prior approval of the County Council. This provides an opportunity to discuss the most convenient structures for a particular situation. Indeed, the replacement of a stile also requires the consent of the County Council. It is not a matter of course: it would often not be

that stiles, gates or other works be erected for preventing the ingress or egress of animals'. In other words, the only legitimate reason for erecting any new structure across a right of way is to prevent stock from escaping.

ALAN BENTLY, HEAD RANGER

### Parish Paths Guide New Edition

The new edition of the Parish Paths Guide has just been published. With updated sections on the new ground to 'P3', and new specifications for dog gates and dog gates, I'm sure those involved in the Parish Paths scheme will find it very useful. Further copies can be obtained from the P.R.O.W. office.

ALY



### Parish Paths Partnership survey imminent

There will be a survey concerning P3 in Gloucestershire dropping on your doormats before Christmas. The survey is being conducted by Gavin Parker of the Countryside and Community Research Unit at Cheltenham and Gloucester College of Higher Education.

The survey represents part of his PhD research into 'Citizenship in the Countryside'. The purposes of the research are to find out more about who takes part in the scheme, why people get involved and to look into the benefits and problems that the Scheme engenders. The results of the research will appear next year in this magazine.

Anyone with queries about the survey can contact Gavin Parker on (01242) 532943

### SKILLS COURSE 11th February 1996.

This course is aimed at volunteers in the Rights of Way sector, and is of interest to others who would like to improve their map skills.

The course will outline the historical background to our existing maps, and the background to the current work, whilst on a practical session will include scale, bearings, and compass use.

The course will examine a variety of types and scales of map and how to identify a pre-set route. In addition there will be a chance to apply newly acquired skills in an exercise when this route will be marked on the ground.

INFORMATION CONTACT  
GAVIN PARKER  
OR SIMON VICKERS  
V. OFFICE ON 01452-425535

maps then this will be the applicable. Otherwise that 'which has historical or available for public use' evidence is usually obtained from local enquiries.

In describing widths which are available across unenclosed land, it is reasonable to require a width of at least 1.5m for pedestrians or horses to meet and pass without difficulty. A width of at least 1.5m, respectively, is reasonable. It must be noted that although widths are quoted in the 1980, (as amended by the Highways Act 1990), these apply to the width to be provided for cultivated land. They do not have precedent for rights of way and do not supersede relevant historic widths.

Where it is proposed that a way is to be enclosed it is necessary to refer to Section 51 of the Highways Act 1980 which relates to the consent of the Highway Authority. It should be noted that it is the onus for future maintenance otherwise pass to the landowner.

Before giving consent for the Highway Authority will need to consider the necessity for future maintenance of the surface and particularly the provision for access materials and drainage at the height and type of fence into consideration to ensure there is no adverse effect on the land.

The enclosures of paths by fences could result in considerable wasted expenditure if the fencing subsequently removed. This has occurred on several occasions recently.

G F STEWART, PROW OPERATIONS